



## POLLUTION CONTROL & ECOLOGY COMMISSION

# REGULAR COMMISSION MEETING

Friday June 26, 2020 | 10:00 a.m.  
Zoom Video Conference

### AGENDA

(Item #01)

- I. Call Meeting to Order
- II. Roll Call
- III. Approval of May 28, 2020, Commission Meeting Minutes (Item #02)
- IV. Department Reports
  - A. Director's Report
    - I. Update on Rule 37
- V. Motion to Include Any Electronic Public Comments
- VI. Regulation No. 2, Regulation Establishing Water Quality Standards For Surface Waters of the State of Arkansas APPENDIX I (Item #03-10)
  - Docket No. 20-004-R
  - Dr. Bob Blanz for Division of Environmental Quality
  - Minute Order (Initiate)
- VII. Adjourn

**ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

**REGULAR COMMISSION MEETING**  
**10:00 a.m., Thursday, May 28, 2020**

**Arkansas Department of Energy and Environment**  
**5301 Northshore Drive**  
**North Little Rock, Arkansas**

**Commissioners Attending:** L. Bengal, C. Colclasure, J. Fox, M. Goggans, D. Haak, B. Holland, R. McMullen, D. Melton, R. Moss, R. Reynolds, R. Roper, W. Ward, and B. White.

**Commissioners Absent:** None.

**Visitors:** Dr. David Peterson, Ozark Society; Gordon Watkins, BRWA; Richard Mays, BRWA and Arkansas Canoe Club; and Al Drinkwater, Bethel Heights.

**Call to Order**

Chair Melton called the meeting to order at 10:00 a.m.

**Quorum**

Commission Secretary called roll and announced that a quorum was present.

**Approval of Minutes**

Chair Melton asked for a motion approving the February 2020 meeting minutes. Commissioner Fox made a motion to approve the minutes and Commissioner Haak seconded the motion. The minutes were approved. A roll call vote was taken with 13 voting "Yes." The motion passed.

**Director's Report**

Secretary Becky Keogh stated that DEQ has managed to continue to conduct business as usual despite implementing and dealing with numerous safety precautions related to COVID-19. She said the fact that DEQ has continued to operate as smoothly as it has was a testament to staff's dedication and willingness to adapt to the changing circumstances.

Secretary Keogh announced that the 2020 Energy and Environment awards had been postponed until the fall and reminded the Commission that ozone season started May 1<sup>st</sup>.

DEQ is preparing to launch the Natural State Environmental Program (NStEP) and is accepting applications for voluntary stewardship plans that recognizes and rewards organizations for their

## **Commission Meeting Minutes**

**May 28, 2020**

**Page 2**

commitment to environmental leadership that go beyond environmental compliance and move toward the goal of sustainability.

Commissioners asked questions and discussion followed.

Chair Melton asked for a motion to include electronic comments received to be made a part of the record of the meeting. Commissioner Moss made a motion to include any electronic public comments. Commissioner Roper seconded the motion. A roll call vote was taken with 13 voting "Yes." The motion passed.

### **Public Comments**

#### **Richard Mays**

Mr. Richard Mays representing the Buffalo River Watershed Alliance and the Arkansas Canoe Club discussed the C&H Hog Farm and urged the adoption of Rules 5 and 6.

#### **Gordon Watkins**

Mr. Gordon Watkins discussed the Buffalo River Watershed Alliance and stated he supported the adoption of Rules 5 and 6.

#### **Alfred Drinkwater**

Mr. Alfred Drinkwater discussed the Bethel Heights wastewater facility and the Division's alleged inability to gain compliance at this facility for over a decade. He claimed that Bethel Heights has proven itself to be a bad actor and an environmental criminal enterprise. He argued that no new permit should be considered for Bethel Heights or any organization with a record like theirs.

Commissioners asked questions and discussion followed.

#### **Dr. David Peterson**

Dr. David Peterson, President of the Ozark Society, stated the Ozark Society's mission was to preserve and conserve the Buffalo River's waters and watershed. He thanked the Commission for making the current moratorium on medium and large hog CAFO's in the Buffalo River watershed and urged adoption of Rules 5 & 6.

#### **Michael McAlister**

Chair Melton asked for an update regarding Bethel Heights and Mr. McAlister provided a synopsis of DEQ's efforts to date regarding Bethel Heights.

**Regulation No. 5, Liquid Animal Waste Management Systems; Docket No. 19-002-R**

## **Commission Meeting Minutes**

**May 28, 2020**

**Page 3**

Mr. Michael McAlister of the Arkansas Department of Energy and Environment explained the proposed changes to the rulemaking. He explained that the changes to the rule are to incorporate the state regulatory amendments set forth in Acts 315 and 910 of 2019; make permanent the moratorium on confined hog farm operations of a certain size in the Buffalo River Watershed; and make minor, non-substantive stylistic and formatting corrections throughout the rule. He asked the Commission to adopt the amendments to Rule 5.

Commissioner Reynolds made a motion to adopt the amendments and Commissioner Bengal seconded the motion. A roll call vote was taken with 12 voting "Yes" and 1 "Recusal". The motion passed. (Minute Order No. 20-10)

### **Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination Systems (NPDES); Docket No. 19-003-R**

Mr. Michael McAlister of Arkansas Department of Energy and Environment explained the changes to the rule are to incorporate the state regulatory amendments set forth in Acts 94 and 575 of 2015 and Acts 315 and 910 of 2019; clarify sections of the rule that were otherwise unclear and make minor corrections to make the rule more illustrative of the regulatory intent; make permanent the moratorium on confined hog farm operations of a certain size in the Buffalo River Watershed; and make minor, non-substantive stylistic and formatting corrections throughout the rule. He asked the Commission to adopt the amendments to Rule 6.

Commissioner Roper made a motion to adopt the amendments and Commissioner Moss seconded the motion. A roll call vote was taken with 12 voting "Yes" and 1 "Recusal". The motion passed. (Minute Order No. 20-11)

### **Regulation No. 27, Licensing of Operators of Solid Waste Management Facilities and Environmental Officers; Docket No. 20-001-R**

Mr. Michael McAlister of Arkansas Department of Energy and Environment explained that the purpose of the proposed revisions to rule is to implement Act 1067 of 2016. The revisions are necessary for the administration of the Environmental Compliance Resource Program and the licensing of environmental officers and to comply with Arkansas law that repeals and replaces certain duties and powers of illegal dump control officers. He asked the Commission to adopt the amendments to Rule 27.



## **Commission Meeting Minutes**

**May 28, 2020**

**Page 4**

Commissioner Fox made a motion to adopt the amendments and Commissioner Reynolds seconded the motion. A roll call vote was taken with 13 voting "Yes." The motion passed. (**Minute Order No. 20-12**)

### **Rule No. 19, Rules of the Arkansas Plan of Implementation for Air Pollution Control; Docket No. 20-002-R**

Mr. Michael McAlister of Arkansas Department of Energy and Environment explained that the revisions to Rule 19 is to include changes in certain titles "Regulation" to "Rule" and "Department" to "Division" in order to bring the rule into conformity with Act 315 of 2019 and the Transformation and Efficiencies Act of 2019. He asked the Commission to adopt the amendments to Rule 19.

Commissioner Bengal made a motion to adopt the amendments and Commissioner Moss seconded the motion. A roll call vote was taken with 13 voting "Yes." The motion passed. (**Minute Order No. 20-13**)

### **Regulation No. 23, Hazardous Waste Management; Docket No. 20-003-R**

Mr. Michael McAlister of Arkansas Department of Energy and Environment stated that the proposed changes to the rule incorporate certain Federal rules in order to maintain Arkansas' equivalency and to DEQ's delegated authority to implement the Hazardous Waste Program. Changes also incorporate State government transformation under Act 315. He asked the Commission to initiate the rulemaking process for Rule 23.

Commissioner Bengal made a motion to initiate the rulemaking process and Commissioner Haak seconded the motion. A roll call vote was taken with 13 voting "Yes." The motion passed. (**Minute Order No. 20-14**)

### **Administrative Law Judge-Charles Moulton**

#### **A. Recommended Decision**

##### **1. In the Matter of Donald Patterson; Docket No. 19-004-MISC.**

Judge Moulton gave a brief background of the case and asked the Commission to approve his Recommended Decision.

Commissioners asked questions and discussion followed.

Commissioner Moss made a motion adopting the minute order and the Recommended Decision (Order No. 2). Commissioner Fox seconded the motion. A roll call vote was taken with 12 voting "Yes" and 1 "Recusal". The motion passed. (**Minute Order No. 20-15**)

## Commission Meeting Minutes

May 28, 2020

Page 5

### Adjourn

There was no other business to come before the Commission. Chair Melton adjourned the meeting.

- 20-10      The Commission voted in favor of a minute order adopting the amendments for Rule 5, Liquid Animal Waste Management Systems; Docket No. 19-002-R.
- 20-11      The Commission voted in favor of a minute order adopting the amendments for Rule 6, Rules for State Administration of the National Pollutant Discharge Elimination Systems (NPDES); Docket No. 19-003-R.
- 20-12      The Commission voted in favor of a minute order adopting the amendments for Rule 27, Licensing of Operators of Solid Waste Management Facilities and Environmental Officers; Docket No. 20-001-R.
- 20-13      The Commission voted in favor of a minute order adopting the amendments for Rule 19, Rules of the Arkansas Plan of Implementation for Air Pollution Control; Docket No. 20-002-R.
- 20-14      The Commission voted in favor of a minute order initiating the rulemaking process for Rule 23, Hazardous Waste Management; Docket No. 20-003-R.
- 20-15      The Commission voted in favor of a minute order adopting Order No. 2 (Recommended Decision); In the Matter of Donald Patterson; Docket No. 19-004-MISC.

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 2, REGULATION ESTABLISHING )  
WATER QUALITY STANDARDS FOR SURFACE ) DOCKET NO. 20- \_\_\_\_ -R  
WATERS OF THE STATE OF ARKANSAS )

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 2

Comes now, the Department of Energy and Environment, Division of Environmental Quality (DEQ or “Division”), by and through the Associate Director of the Office of Water Quality, Dr. Robert Blanz, and for its Petition to Initiate Rulemaking to Amend Regulation No.2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas, states:

1. DEQ proposes the amendments listed below for portions of Regulation No.2, pursuant to the Federal Water Pollution Control Act (“Clean Water Act”), 33 U.S.C. §1251 *et seq.* Arkansas has been delegated the authority to establish and administer water quality standards. The Clean Water Act requires states to review their water quality standards on a triennial basis and to amend those standards as necessary.

2. DEQ proposes amendments to incorporate statutory changes from Acts 910 and 315 of 2019 passed by the General Assembly that amend the name of DEQ and references to rules.

3. Dr. Robert Blanz and Basil V. Hicks III from DEQ will be available to answer questions concerning this proposed rulemaking. The proposed regulatory amendments are as follows:

- a. Amendments to incorporate Acts 910 and 315 of 2019 that amend the name of ADEQ and references to rules;
- b. Amendments to provide clarification to section of the regulation that were otherwise unclear and minor corrections to make the regulation more illustrative of the regulatory intent, specifically to:

- 1) Reg. 2.105: Insert “temporary” before “modification.”
- 2) Reg. 2.106 – Effluent: Insert definition of “Effluent.”
- 3) Insert “Water Quality Standards” before “Temporary Variance” in the title of Reg. 2.309.
- 4) Amend to “A water quality standards temporary variance shall be developed in accordance with and meet the requirements of 40 C.F.R. § 131.14 and must be approved by the Arkansas Pollution Control and Ecology Commission and the United States Environmental Protection Agency.”
- 5) Reg. 2.407: Strike “receiving” and insert “all.”
- 6) Reg. 2.408: Strike “Receiving” and capitalize “Waters.”
- 7) Reg. 2.410: Strike “Receiving.”
- 8) Reg. 2.502: Insert “For purposes of determining effluent limits” at the beginning of the first sentence of the paragraph after the table.
- 9) Reg. 2.502: Strike “Standards” and insert “criteria” in the second paragraph.
- 10) Reg. 2.502: Strike “Limit” and insert “criteria” in the heading of the second column of the table.
- 11) Reg. 2.503: Add a line space after “There shall be no distinctly visible increase in turbidity of receiving waters attributable to discharges or instream activities.”
- 12) Reg. 2.503: Revise “(June to October)” to “(June 1 through October 31).”
- 13) Reg. 2.504: Strike “standards” and insert “criteria” in the first sentence.
- 14) Reg. 2.504: Add “rivers” and “lakes and reservoirs” to the first sentence.

- 15) Reg. 2.505: Strike “standards” and insert “criteria” in multiple places within this regulation.
- 16) Reg. 2.507: Insert “Secondary contact use is assumed in all watersheds” in first paragraph.
- 17) Replace “values” with “criteria in the second paragraph.
- 18) Reg. 2.507: Insert “or fecal coliform” after “*E. coli*” in second paragraph.
- 19) Reg. 2.507: Insert “individual” in the second paragraph before “samples.”
- 20) Reg. 2.507: Strike “standards” and insert with “criteria” in the third paragraph.
- 21) Reg. 2.507: Strike “limit” and replace with “criteria” in table.
- 22) Reg. 2.507: Footnote 5 – Strike “October 1 to April 30” and replace with “Year-round.”
- 23) Reg. 2.509(A) and (B): Strike “standards” and insert “criteria” in three (3) locations.
- 24) Reg. 2.511(A): Insert “White River headwaters to Noland WWTP 20 20 160” into table.
- 25) Reg. 2.511(A): Insert “from Oklahoma State line to Millwood Lake” after “Little River” in the table.
- 26) Reg. 2.511(A): Strike “limits” and insert “criteria” within the “\*\*” footnote.
- 27) Appendix A-OM and A-GC: Strike the footnote “† Not applicable for clean water act purposes until approved by EPA.”
- 28) Appendix A-OH: Strike “standards” and insert “criteria” in five (5) locations within this section.

- 29) Appendix A-BM: Strike “standards” and insert “criteria” in five (5) locations within this section.
- 30) Appendix A-ARV: Strike “standards” and insert “criteria” in five (5) locations within this section.
- 31) Appendix A-OM: Strike “standards” and insert “criteria” in five (5) locations within this section.
- 32) Appendix A-OM: Insert “Temporary” in front of “Variations” in the title of the list of “Variations Supported by Environmental Improvement Project.”
- 33) Appendix A-OM: Insert “\*” footnote marker for Chamberlain Creek, Cove Creek, Lucinda Creek, and Rusher Creek entries in the Temporary Variations Supported by EIP table.
- 34) Appendix A-OM: Strike the “†” footnote indicator from the Chamberlain Cree, Cove Creek, Lucinda Creek, and Rusher Creek entries under the Temporary Variations Supported by Environmental Improvement Project heading.
- 35) Appendix A-OM: Insert “\*These temporary standards variations are effective for 160 months from EPA’s approval of the EIP on January 7, 2020.” as a footnote below the Temporary Variations Supported by EIP table.
- 36) Appendix A-GC: Strike “standards” and insert “criteria” in ten (10) locations within this section.
- 37) Appendix A-GC: Insert “Temporary” in front of “Variations” in the title of the list of “Variations Supported by Environmental Improvement Project.”

- 38) Appendix A-GC: Insert “\*” footnote marker for Reyburn Creek and Scull Creek entries in the Temporary Variations Supported by EIP table.
- 39) Appendix A-GC: Strike the “†” footnote indicator from the Reyburn Creek and Scull Creek entries under the Temporary Variations Supported by Environmental Improvement Project heading.
- 40) Appendix A-GC: Insert “\*These temporary standards variations are effective for 160 months from EPA’s approval of the EIP on January 7, 2020.” as a footnote below the Temporary Variations Supported by EIP table.
- 41) Appendix A-D: Strike “standards” and insert “criteria” in six (6) locations within this section.
- 42) Appendix D: Strike “Red” from the “Little Red River” entry of the ESW Waterbody list.
- c. Amendments to incorporate EPA decisions on previous versions of Rule:
  - 1) Reg. 2.104: Strike “but not to exceed three years from effective date of permit” and add “in accordance with the 40 C.F.R. §122.47.”
  - 2) Reg. 2.104: Strike “, unless the permittee is completing site specific criteria development or is under a plan approved by the Department, in accordance with Regs. 2.306, 2.308, and the State of Arkansas Continuing Planning Process.”
  - 3) Reg. 2.106 – All Flows: Strike “All Flows - Takes into account all flows and data collected throughout the year, including elevated flows due to rainfall events.”
  - 4) Reg. 2.106 – Storm Flows: Insert “Storm flows: Takes into account all flows and data collected throughout the year, including elevated flows due to rainfall events.”

- 5) Regs. 2.502, 2.503, 2.504, 2.505, 2.511(C): Strike “(applicable at 1.0 meter depth).”
- 6) Reg. 2.503: Strike “all” and replace with “storm” in the last sentence of the first paragraph and in the table.
- 7) Reg. 2.507: Strike “2” as a footnote marker under the “Primary Contact” and “Secondary Contact” headings of the table for ERW, ESW, NSW, Reservoirs, Lakes.
- 8) Reg. 2.507: Strike the footnote “Applicable at 1.0 meter depth in Reservoirs and Lakes.” Insert “(RESERVED).”
- 9) Reg. 2.511(A): Bayou Meto: Revise as follows to “Bayou Meto (Rocky Branch to Pulaski/Lonoke county line Bayou Two Prairie)” and “Bayou Meto (mouth to Bayou Two Prairie) (Pulaski/Lonoke county line to mouth)”
- 10) Reg. 2.511(A): Strike “†” on all values for the entry “Crooked Creek (Harrison WWTP outfall to ...” and for the TDS values for entry “Crooked Creek (Monitoring Station WHI0193 to...”
- 11) Reg. 2.511(A): Strike “†” footnote indicator in table for entry “White River from WR-02 to WHI0052.”
- 12) Reg. 2.511(A): Strike “†” footnote indicator in table for entry “White River from Noland WWTP to 0.4 miles downstream.”
- 13) Reg. 2.511(A): Strike “Unnamed trib A to Flat Creek from mouth of EDCC 001 ditch to confluence with Flat Creek 16\*† 80\*† 315\*†” and “Confluence with unnamed trib A to Flat Creek 23\*† 125\*† 475\*†”



- 14) Reg. 2.511(A): Strike “250†” and “940†” and replace with “200” and “850,” respectively, for entry “Red River from Arkansas/Oklahoma state line to mouth of the Little River.”
- 15) Reg. 2.511(A): Strike “225†” and insert “200,” for entry “Red River from mouth of the Little River to the Arkansas/Louisiana State line.”
- 16) Reg. 2.511(A): Strike the “†” after “780” in the TDS column for entry “Red River from mouth of the Little River to the Arkansas/Louisiana State line.”
- 17) Reg. 2.511(A): Strike “†” footnote indicator in table for TDS entry “Little River from Millwood Lake to the Red River.”
- 18) Reg. 2.511(B): Strike “The values listed in the table below are not intended nor will these values be used by the Department to evaluate attainment of the water quality standards.”
- 19) Appendix A-OH, A-BM, A-ARV, A-OM, A-GC, A-D: Strike “all” and insert “storm” under the turbidity heading within the table.
- 20) Appendix A-OH: Strike the “†” footnote indicator from the Crooked Creek and White River entries under the Site Specific Criteria Variations Supported by Use Attainability Analysis heading.
- 21) Appendix A-GC: Beneath the “Site Specific Designated Use Variations...” heading, strike “†” after the last entry “Red River from the mouth of the Little River to the Arkansas/Louisiana state line – no domestic water supply use (GC-1, #55).”
- 22) Appendix A-GC: Strike “†” after the “(from Millwood Lake to the Red River)” temperature entry within the table.
- 23) Appendix A-GC: Strike “Unnamed tributary to Flat Creek from EDCC Outfall 001 d/s to confluence with unnamed tributary A to Flat Creek

Chloride 23 mg/L, Sulfate 125 mg/L, TDS 475 mg/L, (GC-2, #37) †”  
and “Unnamed tributary A to Flat Creek from mouth of EDCC 001 ditch  
to confluence with Flat Creek, Chloride 16 mg/L, Sulfate 80 mg/L, TDS  
315 mg/L, (GC-2, #38) †”

24) Appendix A-GC: Strike the “†” after the entry “Red River from mouth of  
the Little River to the Arkansas/Louisiana state line, TDS 780 mg/L  
(GC-1, #55, 58)†”

25) Appendix A-GC: Strike “†” footnote indicator at the end of the “Little  
River from Millwood Lake to the Red River...” entry.

26) Appendix A-GC: Strike “Variations Supported by Technical Adjustment  
Red River from the Arkansas/Oklahoma state line to the mouth of the  
Little River, sulfate 250 mg/L, TDS 940 mg/L (GC-1, #57)† Red River  
from mouth of the Little River to the Arkansas/Louisiana state line,  
sulfate 225 mg/L (GC-1, #58)†”

27) Appendix A-GC: Revise Plate GC-1 to remove #57 and #58

28) Appendix A-GC: Revise Plate GC-2 to remove duplicate #40 and add  
#41

29) Appendix A-D: Insert “(Rocky Branch to Pulaski/Lonoke county line)”  
and strike “from Rocky Branch Creek to Bayou Two Prairie” in the first  
Bayou Meto entry under “Site Specific Criteria Variations Supported by  
Use Attainability Analysis” heading;

d. Amend Chapter 4, Chapter 5, and Appendix A to remove permitting  
language from Reg. 2 (Rule 2) that is being adopted into Rule 6 –

Regulations For State Administration Of The National Pollutant  
Discharge Elimination System (NPDES), Rule 6.404<sup>1</sup>;

- 1) Reg. 2.404: Remove mixing zone language and Reserve Section 2.404
  - 2) Reg. 2.409: Remove effluent discharge specific language
  - 3) Reg. 2.502: Remove effluent limit language
  - 4) Reg. 2.503: Remove effluent discharge specific language
  - 5) Reg. 2.504: Remove effluent discharge specific language
  - 6) Reg. 2.505: Remove effluent discharge specific language
  - 7) Reg. 2.507: Remove effluent discharge specific language
  - 8) Reg. 2.508: Remove zone of initial dilution and mixing zone language
  - 9) Reg. 2.509: Remove effluent discharge specific language
  - 10) Reg. 2.510: Remove effluent discharge specific language
  - 11) Reg. 2.512(D): Remove effluent discharge specific language
  - 12) Appendix A, throughout: remove \* after “Temperature °C (°F)” and associated footnote
  - 13) Appendix A, throughout: remove \*\* after “Dissolved Oxygen” and associated footnote
- e. Minor, non-substantive stylistic and formatting correcting throughout the Regulation.
5. The following exhibits to this petition are hereby incorporated by reference:
- a. Exhibit A: Mark-up version of the regulation showing the proposed changes
  - b. Exhibit B: Governor Approval
  - c. Exhibit C: Legislative Questionnaire
  - d. Exhibit D: Financial Impact Statement and Impacts to Small Business

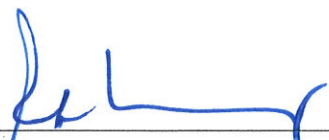
---

<sup>1</sup> If Rule 6 revisions are not adopted by APC&EC and not approved by EPA, then this language will remain in Rule 2.

- e. Exhibit E: Economic Impact/Environmental Benefit Analysis
- f. Proposed Minute Order

WHEREFORE, DEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No.2.

Respectfully Submitted,

By: \_\_\_\_\_

Robert E. Blanz, PhD, P.E.  
Associate Director, Office of Water Quality  
Division of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118  
(501)682-0929  
blanz@adeq.state.ar.us

**APC&EC Regulation No.2,  
Regulation Establishing Water Quality Standards for Surface Waters of the State of  
Arkansas  
Proposed Amendments – Executive Summary**

The Department of Energy and Environment, Division of Environmental Quality (DEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission to Regulation No. 2 to incorporate statutory revisions made by the Arkansas General Assembly, clarify several provisions, and make stylistic and formatting corrections throughout the Regulation.

Under the federal Clean Water Act, states are given the responsibility to establish water quality standards, and at least once every three (3) years, states are to review the applicable water quality standards to determine whether any modifications are appropriate.<sup>1</sup> Any changes to water quality standards adopted by a state during the Triennial Review must be submitted to EPA for review and approval or disapproval. The standards adopted by the state are submitted to EPA along with any supporting information<sup>2</sup> and a certification that the standards were adopted pursuant to state law.<sup>3</sup> This submittal is to be provided to EPA within thirty (30) days of the final State action to adopt and certify the revised standards.<sup>4</sup> After the State submits its revised water quality standards, EPA must approve or disapprove the revisions.<sup>5</sup> If EPA approves the new state standards, then those standards can be used for purposes of implementing the federal Clean Water Act, including such actions as listing water quality impairments, calculating TMDLs, and developing effluent limits for NPDES permits.<sup>6</sup>

If the revised water quality standards are disapproved by EPA, then the standards are not applicable water quality standards for purposes of implementing the federal Clean Water Act. If the water quality standards adopted by a State are disapproved by EPA, then those standards cannot be used to implement the provisions of the federal Clean Water Act until the standards have been revised through a new rulemaking and re-submitted to EPA for review and approval.

The Commission's authority for amending Regulation No. 2 is found in Ark. Code Ann. §§ 8-6-207(b)(1), 8-4-202(a), and 8-1-203(b)(1)(A).

---

<sup>1</sup> Section 303(c) of the Clean Water Act.

<sup>2</sup> 40 CFR § 131.20 (c).

<sup>3</sup> 40 CFR § 131.6(e).

<sup>4</sup> 40 CFR §131.20(c).

<sup>5</sup> 40 CFR §131.21

<sup>6</sup> 40 CFR § 131.21(d).

Proposed changes to Regulation No.2 include:

- **Incorporation of Updates to Arkansas Law.** Acts 315 and 910 of 2019 were enacted by the Arkansas General Assembly and require revisions to Regulation No. 2 concerning the name change from Arkansas Department of Environmental Quality to Division of Environmental Quality and the use of Rule in lieu of Regulation;
  - **Amendments to Provide Clarification and Minor Corrections.** Clarification of sections of the regulation that were otherwise unclear, and minor corrections to make the regulation more illustrative of the legislative and regulatory intent;
  - **Regulatory Amendments for Consistency with Statutory Changes.** To amend other Chapters of the Regulation for consistency with the statutory changes made by the General Assembly and federal regulations, primarily concerning terminology and program name changes;
  - **Amendments to Reflect Changes in Rule 6.** Amendments to remove permitting language from Reg. 2 (Rule 2) that is being adopted into Rule 6 – Regulations For State Administration Of The National Pollutant Discharge Elimination System (NPDES);
- and
- **Stylistic and Formatting Corrections.** To make minor, non-substantive stylistic and formatting corrections throughout the Regulation.

# **Exhibit A:**

## **Rule 2**

### **Mark-up Draft**

# **ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**



## **~~REGULATION~~ RULE NO. 2**

### **~~REGULATION~~ RULE ESTABLISHING WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF ARKANSAS**



Adopted by the Arkansas Pollution Control and Ecology Commission: ~~December 7, 2018~~

Arkansas Pollution Control and Ecology Commission  
~~Regulation~~ Rule No. 2, As Amended

**Regulation Rule Establishing  
Water Quality Standards for Surface Waters  
of the State of Arkansas**

**TABLE OF CONTENTS**

CHAPTER 1: AUTHORITY, GENERAL PRINCIPLES, AND COVERAGE .....	1-1
<del>Reg.</del> Rule 2.101 Authority .....	1-1
<del>Reg.</del> Rule 2.102 Purpose .....	1-1
<del>Reg.</del> Rule 2.103 Commission Review .....	1-2
<del>Reg.</del> Rule 2.104 Policy for Compliance .....	1-2
<del>Reg.</del> Rule 2.105 Environmental Improvement Projects .....	1-2
<del>Reg.</del> Rule 2.106 Definitions .....	1-2
CHAPTER 2: ANTIDegradation Policy .....	2-1
<del>Reg.</del> Rule 2.201 Existing Uses .....	2-1
<del>Reg.</del> Rule 2.202 High Quality Waters .....	2-1
<del>Reg.</del> Rule 2.203 Outstanding Resource Waters .....	2-1
<del>Reg.</del> Rule 2.204 Thermal Discharges .....	2-1
CHAPTER 3: WATERBODY USES .....	3-1
<del>Reg.</del> Rule 2.301 Introduction .....	3-1
<del>Reg.</del> Rule 2.302 Designated Uses .....	3-1
<del>Reg.</del> Rule 2.303 Use Attainability Analysis .....	3-5
<del>Reg.</del> Rule 2.304 Physical Alteration of Habitat .....	3-6
<del>Reg.</del> Rule 2.305 Short Term Activity Authorization .....	3-6
<del>Reg.</del> Rule 2.306 Procedures for Removal of Any Designated Use Except Fishable/Swimmable, Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway, and Modification of Water Quality Criteria not Related to These Uses .....	3-7
<del>Reg.</del> Rule 2.307 Use Subcategories .....	3-8
<del>Reg.</del> Rule 2.308 Site Specific Criteria .....	3-8
<del>Reg.</del> Rule 2.309 Water Quality Standards Temporary Variance .....	3-8
<del>Reg.</del> Rule 2.310 Procedure for the Removal of the Designated Use of Extraordinary Resource Water, or Ecologically Sensitive Waterbody, or Natural and Scenic Waterway for the Purpose of Constructing a Reservoir on a Free Flowing Waterbody to Provide a Domestic Water Supply. .	3-8
<del>Reg.</del> Rule 2.311 Procedure for the Addition of the Designated Use of Extraordinary Resource Water, or Ecologically Sensitive Waterbody, or Natural and Scenic Waterway to a Waterbody or Segment of a Waterbody. .	3-10
CHAPTER 4: GENERAL STANDARDS .....	4-1
<del>Reg.</del> Rule 2.401 Applicability .....	4-1
<del>Reg.</del> Rule 2.402 Nuisance Species .....	4-1
<del>Reg.</del> Rule 2.403 Methods .....	4-1

Reg-Rule 2.404	Mixing Zones .....	4-1
Reg-Rule 2.405	Biological Integrity .....	4-2
Reg-Rule 2.406	Color.....	4-2
Reg-Rule 2.407	Taste and Odor .....	4-2
Reg-Rule 2.408	Solids, Floating Material and Deposits .....	4-2
Reg-Rule 2.409	Toxic Substances.....	4-3
Reg-Rule 2.410	Oil and Grease.....	4-3
CHAPTER 5:	SPECIFIC STANDARDS .....	5-1
Reg-Rule 2.501	Applicability.....	5-1
Reg-Rule 2.502	Temperature .....	5-1
Reg-Rule 2.503	Turbidity.....	5-2
Reg-Rule 2.504	pH.....	5-2
Reg-Rule 2.505	Dissolved Oxygen .....	5-3
Reg-Rule 2.506	Radioactivity .....	5-5
Reg-Rule 2.507	Bacteria.....	5-5
Reg-Rule 2.508	Toxic Substances.....	5-6
Reg-Rule 2.509	Nutrients .....	5-8
Reg-Rule 2.510	Oil and Grease.....	5-9
Reg-Rule 2.511	Mineral Quality .....	5-9
Reg-Rule 2.512	Ammonia.....	5-14
CHAPTER 6:	EFFECTIVE DATE .....	6-1
APPENDIX A:	MAP OF ECOREGIONS OF ARKANSAS .....	A-2
	Index to Plates of the Ozark Highlands.....	A-2
	DESIGNATED USES: OZARK HIGHLANDS ECOREGION.....	A-3
	SPECIFIC STANDARDS CRITERIA: OZARK HIGHLANDS	
	ECOREGION .....	A-4
	Index to Plates of the Boston Mountains.....	A-10
	DESIGNATED USES: BOSTON MOUNTAINS ECOREGION.....	A-11
	SPECIFIC STANDARDS CRITERIA: BOSTON MOUNTAINS	
	ECOREGION .....	A-12
	Index to Plates of the Arkansas River Valley.....	A-16
	DESIGNATED USES: ARKANSAS RIVER VALLEY ECOREGION .....	A-17
	SPECIFIC STANDARDS CRITERIA: ARKANSAS RIVER VALLEY	
	ECOREGION .....	A-18
	Index to Plates of the Ouachita Mountains.....	A-23
	DESIGNATED USES: OUACHITA MOUNTAIN ECOREGION .....	A-24
	SPECIFIC STANDARDS CRITERIA: OUACHITA MOUNTAIN	
	ECOREGION .....	A-26
	Index to Plates of the Gulf Coastal Plain.....	A-32
	DESIGNATED USES: GULF COASTAL ECOREGION .....	A-33
	SPECIFIC STANDARDS CRITERIA: GULF COASTAL ECOREGION ..	A-37
	Index to Plates of the Delta .....	A-49
	DESIGNATED USES: DELTA ECOREGION.....	A-50
	SPECIFIC STANDARDS CRITERIA: DELTA ECOREGION .....	A-51
APPENDIX B:	ENVIRONMENTAL IMPROVEMENT PROJECT .....	B-3
APPENDIX C:	SCIENTIFIC NAMES OF AQUATIC BIOTA .....	C-3

APPENDIX D: LIST OF CURRENT EXTRAORDINARY RESOURCE WATERS, ECOLOGICALLY SENSITIVE WATERBODIES, AND NATURAL AND SCENIC WATERWAYS .....	D-2
APPENDIX E: CRITERIA TO BE CONSIDERED IN DETERMINING WHETHER THE DESIGNATED USE OF EXTRAORDINARY RESOURCE WATER, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY SHOULD BE MAINTAINED.....	E-3
APPENDIX F: FACTORS CONSIDERED IN ADDING THE DESIGNATED USE OF EXTRAORDINARY RESOURCE WATER, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY TO A WATERBODY OR WATERBODY SEGMENT .....	F-2



**ARKANSAS  
POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

---

~~Regulation~~ Rule No. 2, As Amended

**~~Regulation~~ Rule Establishing  
Water Quality Standards for Surface Waters  
of the State of Arkansas**

**CHAPTER 1: AUTHORITY, GENERAL PRINCIPLES, AND COVERAGE**

**~~Reg.~~Rule 2.101 Authority**

Pursuant to the Arkansas Water and Air Pollution Control Act, (Ark. Code Ann. § 8-4-101 *et seq.*), and in compliance with the requirements of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*, (hereinafter “Clean Water Act”), the Arkansas Pollution Control and Ecology Commission (hereinafter “Commission”) hereby promulgates this ~~regulation~~ rule establishing water quality standards for all surface waters, interstate and intrastate, of the State of Arkansas.

**~~Reg.~~Rule 2.102 Purpose**

The water quality standards herein set forth are based upon present, future and potential uses of the surface waters of the State and criteria developed from statistical evaluations of past water quality conditions and a comprehensive study of least-disturbed, ecoregion reference streams. The standards are designed to enhance the quality, value, and beneficial uses of the water resources of the State of Arkansas, to aid in the prevention, control and abatement of water pollution, to provide for the protection and propagation of fish and wildlife and to provide for recreation in and on the water. In establishing these standards, the Commission has taken into consideration the use and value of the streams for public water supplies, commercial, industrial and agricultural uses, aesthetics, recreational purposes, propagation of fish and wildlife, other beneficial uses, and views expressed at public hearings. The State of Arkansas has an exceptionally large volume of high quality water. With few exceptions the streams and lakes of Arkansas contain waters of a quality suitable for all legitimate uses without the necessity of unreasonable water treatment. Where man-made pollution exists, substantial progress has been made in abatement. It is the purpose of these ~~regulations~~ rules to preserve and protect the quality of this water so that it shall be reasonably available for all beneficial uses and thus promote the social welfare and economic well-being of the people of the State. It is further the purpose of these ~~regulations~~ rules to designate the uses for which the various waters of the State shall be maintained and protected; to prescribe the water quality standards required to sustain the designated uses; and to prescribe ~~regulations~~ rules necessary for implementing, achieving and maintaining the prescribed water quality.

### **Reg. Rule 2.103 Commission Review**

The water quality standards herein established will be reviewed by the Commission at least once each three-year period beginning as of October 18, 1972. Revisions may be made to take into account changing technology of waste production, treatment and removal, advances in knowledge of water quality requirements, and other relevant factors.

### **Reg. Rule 2.104 Policy for Compliance**

It shall be the policy of the Arkansas Department of Energy and Environment, Division of Environmental Quality (hereinafter "~~Department~~Division") to provide, on a case-by-case basis, a reasonable time for an existing permittee to comply with new or revised water quality based effluent limits. Consequently, compliance schedules may be included in National Pollutant Discharge Elimination System (NPDES) permits at the time of renewal or permit modification initiated by the ~~Department~~ Division to require compliance with new water quality standards. Compliance must occur at the earliest practicable time, ~~but not to exceed three years from effective date of permit, unless the permittee is completing site specific criteria development or is under a plan approved by the Department, in accordance with Regs. 2.306, 2.308, and the State of Arkansas Continuing Planning Process in accordance with 40 C.F.R. §122.47.~~

### **Reg. Rule 2.105 Environmental Improvement Projects**

The Commission may, after consideration of information provided pursuant to Appendix B and Ark. Code Ann. § 8-5-901 *et seq.*, grant temporary modifications to the General and Specific Standards or establish a subcategory(ies) of use(s) for completion of long-term Environmental Improvement Projects.

### **Reg. Rule 2.106 Definitions**

**304(a) Guidance:** Refers to Section 304(a) of the Clean Water Act, 33 U.S.C. § 1314(a), which requires the United States Environmental Protection Agency to publish and periodically update ambient water quality criteria which will be protective of human health and the environment.

**Abatement:** The reduction in degree or intensity of pollution.

**Acute toxicity:** A statistically significant difference (at the 95 percent confidence level) in mortality or immobilization between test organisms and a control measured during a specified period of time which is normally less than 96 hours.

**Algae:** Simple plants (without roots, stems, or leaves) that contain chlorophyll and are capable of photosynthesis.

**All flows:** ~~Takes into account all flows and data collected throughout the year, including elevated flows due to rainfall events.~~

**Aquatic biota:** All those life forms which inhabit the aquatic environment.

**Aquatic life:** The designated use of a waterbody determined by the fish community and other

associated aquatic biota.

**Base flows:** That portion of the stream discharge that is derived from natural storage (i.e., outflow from groundwater or swamps), or sources other than recent rainfall that creates surface runoff. Also called sustaining, normal, dry weather, ordinary, or groundwater flow.

**Bioaccumulation:** The process by which a compound is taken up by an aquatic organism, both from water and through food.

**Chronic toxicity:** A statistically significant difference (at the 95 percent confidence level) in mortality or immobilization, reduced reproduction or limited growth between test organisms and a control measured during a substantial segment of the life span of the test organism.

**Commission:** The Arkansas Pollution Control and Ecology Commission.

**Conventional pollutants:** Pursuant to section 304(a)(4) of the Clean Water Act, 33 U.S.C. § 1314(a)(4), includes biochemical oxygen demand (BOD), total suspended solids (nonfilterable) (TSS), pH, fecal coliform, and oil and grease.

**Criterion continuous concentration (CCC):** An estimate of the highest concentration of a material in ambient water to which an aquatic community can be *exposed indefinitely* without resulting in an unacceptable adverse effect. This is the chronic criterion.

**Criterion maximum concentration (CMC):** An estimate of the highest concentration of a material in ambient water to which an aquatic community can be *exposed briefly* without resulting in an unacceptable adverse effect. This is the acute criterion.

**Critical flows:** The flow volume used as background dilution flows in calculating concentrations of pollutants from permitted discharges. These flows may be adjusted for mixing zones. The following critical flows are applicable:

For a seasonal aquatic life - 1 cubic foot per second minus the design flow of any point source discharge (may not be less than zero);

For human health - harmonic mean flow or long term average flow;

For minerals - harmonic mean flow, except as follows:

- ~~Reg. Rule~~ 2.511(A) Site Specific Mineral Criteria listed with an asterisk- 4 cubic feet per second.
- ~~Reg. Rule~~ 2.511 (C) Domestic Water Supply: Q7-10; and

For metals and conventional pollutants - Q7-10.

**Critical season:** That period of the year when water temperatures exceed 22°C. This is normally the hot, dry season and after the majority of the fish spawning activities have ceased. This season



occurs during a different time frame in different parts of the state, but normally exists from about mid-May to mid-September.

**Cumulative**: Increasing by successive additions.

**Department**: ~~The Arkansas Department of Environmental Quality or its successor.~~

**Degradation**: The act or process of causing any decrease in quality.

**Design flow**: A facility discharge flow of process wastewater that is authorized in a NPDES permit.

**Designated uses**: Those uses specified in the water quality standards for each waterbody or stream segment whether or not they are being attained.

**Discharge**: A discrete point source of waste or wastewater entering into waters of the State.

**Dissolved oxygen (DO)**: A measure of the concentration of oxygen in solution in a liquid.

**Division**: The Arkansas Department of Energy and Environment, Division of Environmental Quality or its successor.

**Ecoregion**: A large area of landscape with relatively homogenous physical, chemical and biological characteristics.

**Effluent**: Water that is not reused after flowing out of any wastewater treatment facility or other works used for the purpose of treating, stabilizing, or holding wastes.

**Escherichia coli**: A rod shaped gram negative bacillus (0.5 – 3-5 microns) abundant in the large intestines of mammals.

**Endemic**: Native to and confined to a specific region.

**Existing uses**: Those uses listed in Section 303(c)(2) of the Clean Water Act, 33 U.S.C. § 1313(c)(2) (i.e., public water supplies, propagation of fish and wildlife, recreational uses, agricultural and industrial water supplies, and navigation), which were actually attained in the waterbody on or after November 28, 1975, whether or not they are included in the water quality standards.

**Fecal coliform bacteria**: Gram-negative nonspore-forming rods that ferment lactose in  $24 \pm 2$  hours at  $44.5 \pm 0.2^\circ\text{C}$  with the production of gas in a multiple-tube procedure or produce acidity with blue colonies in a membrane filter procedure. For the purpose of this ~~regulation~~rule, the genus *Klebsiella* is not included in this definition.

**Fishable/swimmable**: Refers to one of the national goals stated in Section 101(a)(2) of the Clean Water Act, 33 U.S.C. § 1251(a)(2), “...provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water.”

**Groundwater**: Water below the land surface in a zone of saturation.

**Hardness**: A measure of the sum of multivalent metallic cations expressed as calcium carbonate ( $\text{CaCO}_3$ ).

**Harmonic mean flow**: The reciprocal of the mean of the reciprocals of daily flow measurements.

**Headwater**: The upper watershed area where streams generally begin; typically consists of 1st- and 2nd-order streams.

**Heavy metals**: A general name given to the ions of metallic elements heavier than iron, such as cadmium, lead, mercury, copper, zinc and chromium.

**Human health criteria**: Levels of toxicants in ambient water which will not manifest adverse health effects in humans.

**Hypolimnion**: That portion of a thermally stratified lake or reservoir below the zone in which the rate of temperature change is greatest. An area of minimal circulation and mixing.

**Impairment**: Exceedences Exceedances of the water quality standards by a frequency and/or magnitude which results in any designated use of a waterbody to fail to be met as a result of physical, chemical or biological conditions.

**Indicator species**: Species of fish which may not be dominant within a species group and may not be limited to one area of the state, but which, because of their presence, are readily associated with a specific ecoregion. All indicator species need not be present to establish a normal or representative fishery.

**Indigenous**: Produced, growing or living naturally in a particular region or environment.

**Interstate**: Of, connecting, or existing between two or more states.

**Intrastate**: Existing or occurring within a state.

**Ionizing radiation**: Gamma rays and x-rays; alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

**Key species**: Fishes which are normally the dominant species (except for some ubiquitous species) within the important groups such as fish families or trophic feeding levels. All specified key species need not be present to establish a normal or representative fishery.

**Long term average flow**: An average annual stream flow based on a period of record which reflects the typical annual variability.

**Milligrams per liter (mg/L)**: The concentration at which one milligram is contained in a volume of one liter; one milligram per liter is equivalent to one part per million (ppm) at unit density.

**Mixing zone:** An area where an effluent discharge undergoes mixing with the receiving waterbody. For toxic discharges a zone of initial dilution may be allowed within the mixing zone.

**Mouth:** The point of confluence where a stream enters a larger body of water.

**Natural background:** Ambient conditions or concentrations of a parameter due to non-anthropogenic sources; natural background does not typically interfere with support of designated uses nor the level of aquatic biota expected to occur naturally at the site.

**Naturally occurring excursions:** Temporary deviation from natural background due to natural events such as severe storm events, drought, temperature extremes, etc.

**Nephelometric turbidity unit (NTU):** A measure of turbidity based upon a comparison of the intensity of light scattered by a sample of water under defined conditions with the intensity of light scattered by a standard reference suspension; NTU are considered comparable to the previously reported Jackson Turbidity Units (JTU). May also be reported as Formazin Turbidity Units (FTU) in equivalent units.

**Nonpoint source:** A contributing factor to water pollution that is not confined to an end-of-the-pipe discharge, i.e., stormwater runoff not regulated under Clean Water Act § 402(p)(1), 33 U.S.C. § 1342(p), agricultural or silvicultural runoff, irrigation return flows, etc.

**Nuisance species:** Those organisms capable of interfering with the beneficial use of water.

**Nutrient:** Any substance assimilated by an organism which promotes growth and replacement of cellular constituents. The usual nutrient components of water pollution are nitrogen, phosphorus and carbon.

**Objectionable algal densities:** Numbers of total algae which would interfere with a beneficial use.

**Persistent:** Degraded only slowly by the environment.

**pH:** The negative logarithm of the effective hydrogen-ion concentration in gram equivalents per liter.

**Picocurie:** One trillionth ( $10^{-13}$ ) of a curie which is a unit of quantity of any radioactive nuclide in which  $3.7 \times 10^{10}$  disintegrations occur per second.

**Point source:** A discharge from a discrete point.

**Primary season:** That period of the year when water temperatures are 22°C or below. This includes the major part of the year from fall through spring, including the spawning season of most fishes. It normally occurs from about mid-September to mid-May.

**Q7-10:** A flow volume equal to or less than the lowest mean discharge during 7 consecutive days of a year which, on the average, occurs once every 10 years.

**Regulated-flow stream:** Those streams restricted by structures which have the ability to control stream flow.

**Seasonal aquatic life:** The designated aquatic life use that occurs in some waterbodies only during the period when stream flows increase substantially and water temperatures are cooler. This is normally during the months of December through May.

**State of Arkansas Continuing Planning Process:** A document setting forth the principal procedures of the State's water quality management programs, developed pursuant to Section 303(e) of the Clean Water Act, 33 U.S.C. § 1313(e), and 40 C.F.R. § 130.5. The CPP is not a regulation rule.

**Storm flows:** Takes into account all flows and data collected throughout the year, including elevated flows due to rainfall events.

**Surface water:** That water contained on the exterior or upper portion of the earth's surface as opposed to groundwater.

**Synergism:** Cooperative action of discrete agents such that the total effect is greater than the sum of the effects taken independently.

**Total dissolved solids (TDS):** The total soluble organic and inorganic material contained in water; includes those materials, both liquid and solid, in solution and otherwise, which pass through a standard glass fiber filter disk and are not volatilized during drying at 180°C.

**Trout fishery:** Water which ~~that~~ is suitable for the growth and survival of trout, usually characterized as high quality water having a maximum summer temperature of 68°F or less.

**Use attainability analysis:** A structured scientific assessment of the factors affecting the attainment of the fishable/swimmable use which may include physical, chemical, biological and economic factors.

**Waterbodies, waterways, waters:** In this document, refers to surface waters of the State as described in Act 472.

**Water effects ratio (WER):** A specific pollutant's acute or chronic value measured from a specific site ambient water, divided by the respective acute or chronic toxicity of the same pollutant in laboratory water.

**Zone of initial dilution (ZID):** An area within the mixing zone where a toxic effluent discharge initiates mixing in the receiving waterbody. This is an area where acute water quality criteria may be exceeded, but acute toxicity may not occur.

## CHAPTER 2: ANTIDEGRADATION POLICY

### **Reg.Rule 2.201 Existing Uses**

Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

### **Reg.Rule 2.202 High Quality Waters**

Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State of Arkansas's Continuing Planning Process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that (1) there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and (2) that the provisions of the Arkansas Water Quality Management Plan be implemented with regard to nonpoint sources.

### **Reg.Rule 2.203 Outstanding Resource Waters**

Where high quality waters constitute an outstanding state or national resource, such as those waters designated as Extraordinary Resource Waters, Ecologically Sensitive Waterbodies or Natural and Scenic Waterways, those uses and water quality for which the outstanding waterbody was designated shall be protected by (1) water quality controls, (2) maintenance of natural flow regime, (3) protection of instream habitat, and (4) encouragement of land management practices protective of the watershed. It is not the intent of the Extraordinary Resource Waters (ERW) designated use definition to imply that ERW status dictates regulatory authority over private land within the watershed, other than what exists under local, state, or federal law. The Arkansas Natural Resources Commission has responsibility for the regulation of the withdrawal of water from streams and reservoirs, and such withdrawals are not within the jurisdiction of this ~~regulation~~rule.

### **Reg.Rule 2.204 Thermal Discharges**

In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with Section 316 of the Clean Water Act, 33 U.S.C. § 1326.

## CHAPTER 3: WATERBODY USES

### **Reg. Rule 2.301 Introduction**

Substantially all the waters of the State have been designated for specific uses as shown in Appendix A. In those instances where waters are classified for multiple uses and different criteria are specified for each use, the criteria to protect the most sensitive use shall be applicable.

### **Reg. Rule 2.302 Designated Uses**

The designated uses are defined as follows:

- (A) Extraordinary Resource Waters - This beneficial use is a combination of the chemical, physical and biological characteristics of a waterbody and its watershed ~~which~~ that is characterized by scenic beauty, aesthetics, scientific values, broad scope recreation potential and intangible social values. (For specific listings, refer to Appendices A and D)
- (B) Ecologically Sensitive Waterbody - This beneficial use identifies segments known to provide habitat within the existing range of threatened, endangered or endemic species of aquatic or semi-aquatic life forms. (For specific listings, refer to Appendices A and D)
- (C) Natural and Scenic Waterways - This beneficial use identifies segments ~~which~~ that have been legislatively adopted into a state or federal system. (For specific listings, refer to Appendices A and D)
- (D) Primary Contact Recreation - This beneficial use designates waters where full body contact is involved. Any streams with watersheds of greater than 10 mi<sup>2</sup> are designated for full body contact. All streams with watersheds less than 10 mi<sup>2</sup> may be designated for primary contact recreation after site verification.
- (E) Secondary Contact Recreation - This beneficial use designates waters where secondary activities like boating, fishing or wading are involved.
- (F) Aquatic Life - This beneficial use provides for the protection and propagation of fish, shellfish and other forms of aquatic biota. It is further subdivided into the following subcategories:
  - (1) Trout Waters- Water ~~which~~ that is suitable for the growth and survival of trout (Family: Salmonidae).
  - (2) Lakes and Reservoirs - Water ~~which~~ that is suitable for the protection and propagation of fish and other forms of aquatic biota adapted to impounded waters. Generally characterized by a dominance of sunfishes such as bluegill or similar species, black basses and crappie. May include substantial

populations of catfishes such as channel, blue and flathead catfish and commercial fishes including carp, buffalo and suckers. Forage fishes are normally shad or various species of minnows. Unique populations of walleye, striped bass and/or trout may also exist.

- (3) Streams - Water ~~which~~ that is suitable for the protection and propagation of fish and other forms of aquatic biota adapted to flowing water systems whether or not the flow is perennial.

- (a) Ozark Highlands Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic biota. Fish communities are characterized by a preponderance of sensitive species and normally dominated by a diverse minnow community followed by sunfishes and darters. The community may be generally characterized by the following fishes:

<b>Key Species</b>	<b>Indicator Species</b>
Dusky stripe, Bleeding or Cardinal shiner	Banded sculpin
Northern hogsucker	Ozark madtom
Slender madtom	Southern redbelly dace
"Rock" basses	Whitetail shiner
Rainbow and/or Orangethroat darters	Ozark minnow
Smallmouth bass	

- (b) Boston Mountains Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic biota. Fish communities are characterized by a major proportion of sensitive species; a diverse, often darter-dominated community exists but with nearly equal proportions of minnows and sunfishes. The community may be generally characterized by the following fishes:

<b>Key Species</b>	<b>Indicator Species</b>
Bigeye shiner	Shadow bass
Black redhorse	Wedgespot shiner
Slender madtom	Longnose darter
Longear sunfish	Fantail darter
Greenside darter	
Smallmouth bass	

- (c) Arkansas River Valley Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic biota. Fish communities are characterized by a substantial proportion of sensitive species; a sunfish- and minnow-dominated

community exists but with substantial proportions of darters and catfishes (particularly madtoms). The community may be generally characterized by the following fishes:

**Key Species**

Bluntnose minnow  
Golden redhorse  
Yellow bullhead  
Longear sunfish  
Redfin darter  
Spotted bass

**Indicator Species**

Orangespotted sunfish  
Blackside darter  
Madtoms

- (d) Ouachita Mountains Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic biota. The fish community is characterized by a major proportion of sensitive species; a minnow-sunfish-dominated community exists, followed by darters. The community may be generally characterized by the following fishes:

**Key Species**

Bigeye shiner  
Northern hogsucker  
Freckled madtom  
Longear sunfish  
Orangebelly darter  
Smallmouth bass

**Indicator Species**

Shadow bass  
Gravel chub  
Northern studfish  
Striped shiner

- (e) Typical Gulf Coastal Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic biota. Fish communities are characterized by a limited proportion of sensitive species; sunfishes are distinctly dominant followed by darters and minnows. The community may be generally characterized by the following fishes:

**Key Species**

Redfin shiner  
Spotted sucker  
Yellow bullhead  
Warmouth  
Slough darter  
Redfin pickerel

**Indicator Species**

Pirate perch  
Flier  
Spotted sunfish  
Dusky darter  
Creek chubsucker  
Banded pygmy sunfish

- (f) Springwater-influenced Gulf Coastal Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic biota. Fish communities are characterized by a



substantial proportion of sensitive species; sunfishes normally dominate the community and are followed by darters and minnows. The community may be generally characterized by the following fishes:

**Key Species**

Redfin shiner  
Blacktail redhorse  
Freckled madtom  
Longear sunfish  
Creole darter  
Redfin pickerel

**Indicator Species**

Pirate perch  
Golden redhorse  
Spotted bass  
Scaly sand darter  
Striped shiner  
Banded pygmy sunfish

- (g) Least-altered Delta Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic biota. Fish communities are characterized by an insignificant proportion of sensitive species; sunfishes are distinctly dominant followed by minnows. The community may be generally characterized by the following fishes:

**Key Species**

Ribbon shiner  
Smallmouth buffalo  
Yellow bullhead  
Bluegill  
Bluntnose darter  
Largemouth bass

**Indicator Species**

Pugnose minnow  
Mosquitofish  
Pirate perch  
Tadpole madtom  
Banded pygmy sunfish

- (h) Channel-altered Delta Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic biota. Fish communities are characterized by an absence of sensitive species; sunfishes and minnows dominate the population followed by catfishes. The community may be generally characterized by the following fishes:

**Key Species**

Blacktail shiner  
Drum  
Carp  
Channel catfish  
Green sunfish  
Spotted gar

**Indicator Species**

Mosquitofish  
Gizzard shad  
Emerald shiner

- (G) Domestic Water Supply - This beneficial use designates water ~~which~~ that will be protected for use in public and private water supplies. Conditioning or treatment may be necessary prior to use.

- (H) Industrial Water Supply - This beneficial use designates water ~~which~~ that will be protected for use as process or cooling water. Quality criteria may vary with the specific type of process involved and the water supply may require prior treatment or conditioning.
- (I) Agricultural Water Supply - This beneficial use designates waters ~~which~~ that will be protected for irrigation of crops and/or consumption by livestock.
- (J) Other Uses - This category of beneficial use is generally used to designate uses not dependent upon water quality, such as hydroelectric power generation and navigation.

**Reg. Rule 2.303 Use Attainability Analysis**

- (A) A use attainability analysis must be conducted to justify the following conditions:
  - (1) Removing a fishable/swimmable designated use, which is not an existing use, from a waterbody; or
  - (2) To identify a subcategory of a fishable/swimmable use ~~which~~ that requires less stringent criteria.
- (B) In order to remove a designated fishable/swimmable use, which is not an existing use, or identify subcategories of a fishable/swimmable use ~~which~~ that require less stringent criteria, it must be demonstrated that the designated use is not attainable because:
  - (1) naturally occurring pollutant concentrations prevent the attainment of the use; or
  - (2) natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met; or
  - (3) human caused conditions or sources of pollution prevent attainment of the use and cannot be remedied or would cause more environmental damage to correct than leave in place; or
  - (4) dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use; or
  - (5) physical conditions related to the natural features of a water body, such as lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or

- (6) controls more stringent than those required by Section 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

The scope of a use attainability analysis shall be in direct proportion to the project involved and the resource value of the receiving stream. Methods for conducting a use attainability analysis may be found in the November 1983 United States Environmental Protection Agency publication entitled *Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses*. Other scientific methods, including the use of existing technical data, may be used for justifying the removal of a designated use, provided the methods are agreed upon prior to the study. Such other methods may include the use of information previously gathered through technical studies, ~~and/or~~ use attainability analysis, or both. Use attainability analysis procedures may be found in the State of Arkansas Continuing Planning Process document. Any waterbody on which a use attainability analysis is approved shall be ~~so~~ listed in Appendix A with appropriate criteria.

#### **Reg-Rule 2.304 Physical Alteration of Habitat**

Significant physical alterations of the habitat within Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, or Natural and Scenic Waterways are not allowed. In other waters, where significant physical alterations of the habitat are proposed, the ~~Department~~ Division must be assured that no significant degradation of any existing use or water quality necessary to protect that use will occur. In order to make such determinations, the ~~Department~~ Division may require an evaluation of all practicable alternatives to the project including: an environmental assessment of the impacts of each alternative, an engineering and economic analysis, and a socio-economic evaluation of the project in the local area.

#### **Reg-Rule 2.305 Short Term Activity Authorization**

The Director may authorize, with whatever conditions deemed necessary and without public notice, short term activities which might cause a violation of the Arkansas Water Quality Standards. This authorization is subject to the provisions that such activity is essential to the protection or promotion of the public interest and that no permanent or long-term impairment of beneficial uses is likely to result from such activity. Nothing herein shall be intended to supersede existing state and federal permitting processes or requirements.

Activities eligible for authorization include, but are not limited to:

- (A) wastewater treatment facility maintenance;
- (B) fish eradication projects;
- (C) mosquito abatement projects;
- (D) algae and weed control projects;
- (E) dredge and fill projects;

- (F) construction activities; or
- (G) activities which result in overall enhancement or maintenance of beneficial uses.

The Director shall specify the degree of variance from the standards, the time limit of activity, and restoration procedures where applicable.

Such authorization shall not be granted for activities which result in the adverse impact on any federally threatened or endangered species or on critical habitat of such species.

**Reg. Rule 2.306 Procedures for Removal of Any Designated Use Except Fishable/Swimmable, Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway, and Modification of Water Quality Criteria not Related to These Uses**

This procedure is applicable in those cases where the Commission chooses to establish less stringent water quality criteria without affecting a fishable/swimmable use or the designated use of Extraordinary Resource Water, ~~or~~ Ecologically Sensitive Waterbody, or Natural and Scenic Waterway, or when the Commission chooses to remove a use which is not an existing use other than fishable/swimmable, Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway.

The Commission may allow a modification of the water quality criteria or the removal of a use which is not a fishable/swimmable use or designated use of Extraordinary Resource Water, ~~or~~ Ecologically Sensitive Waterbody, or Natural and Scenic Waterway to accommodate important economic or social development in a local area, if existing uses are maintained and protected fully and the requirements for public participation in the State of Arkansas Continuing Planning Process are met. As a minimum, the following information shall be submitted to the Director before initiation of the public participation process:

- (A) Technological or economic limits of treatability.
- (B) Economic analysis of the impact on the local area.
- (C) Documentation that the use being removed is not an existing use and that all other designated uses will be protected.

Modifications made pursuant to this section may be required to be rejustified for continued support. As community water needs change, or technological advancement, including long-term environmental improvement projects, make treatment options more practicable, the Commission may reevaluate the need for the reestablishment of the more stringent water quality criteria or the removed use.

Any waterbody on which such alterations are approved will be ~~se~~ listed in Appendix A with the applicable changes noted.

### **Reg-Rule 2.307 Use Subcategories**

The Commission may adopt sub-categories of a use and set the appropriate criteria to reflect varying needs of such sub-categories of uses; for instance, to differentiate between cold and warm water fisheries or agricultural and domestic water supply.

### **Reg-Rule 2.308 Site Specific Criteria**

In establishing criteria:

- (A) Establish numerical criteria values based on:
  - (1) 304(a) Guidance; or
  - (2) 304(a) Guidance modified to reflect site conditions (i.e., Water Effects Ratio); or
  - (3) Other scientifically defensible methods;
- (B) Establish narrative criteria or criteria based upon biomonitoring methods where numerical criteria cannot be established or to supplement numerical criteria.

### **Reg-Rule 2.309 Water Quality Standards Temporary Variance**

~~A temporary variance to the water quality standards may be allowed for an existing permitted discharge facility. The variance will be for specified constituents and shall be no longer than a three year period. A water quality standards temporary variance shall be developed in accordance with and meet the requirements of 40 C.F.R. §131.14 and must be approved by the Arkansas Pollution Control and Ecology Commission and the United States Environmental Protection Agency. A variance will be considered when it is determined that a standard, including designated use, can ultimately be attained or when preliminary evidence indicates that a site specific amendment of the standards may be appropriate. A variance may be granted only to the applicant and will not apply to other discharges into the specified waterbody.~~

### **Reg-Rule 2.310 Procedure for the Removal of the Designated Use of Extraordinary Resource Water, or Ecologically Sensitive Waterbody, or Natural and Scenic Waterway for the Purpose of Constructing a Reservoir on a Free Flowing Waterbody to Provide a Domestic Water Supply.**

(A) An Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway designated use may be removed from a free flowing waterbody for the purpose of constructing a reservoir to provide a domestic water supply, if it can be demonstrated that:

- (1) the sole purpose for the funding and construction of the reservoir is to provide a domestic water supply; and
- (2) there is no feasible alternative to constructing a reservoir in order to meet the domestic water needs of the citizens of the State of Arkansas.

The limitation in Subsection A(1) of this section does not prohibit incidental uses of the reservoir that are consistent with the use of domestic water supply.

(B) A petition to initiate rulemaking to remove an Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway designated use from a free flowing waterbody in order to construct a reservoir to provide a domestic water supply may be submitted to the Commission by a regional water distribution district, public facilities board, public water authority, or other public entity engaged in providing water to the public. Such petition, at a minimum, shall include:

- (1) A map depicting the location of the proposed project and the area to be impounded;
- (2) A description of the proposed project, including detailed design plans;
- (3) A certification that the proposed structure to impound the free flowing stream shall be funded and constructed solely for the purpose of providing a domestic water supply;
- (4) An evaluation of all alternatives to the proposed project, including:
  - (i) an environmental assessment of the impacts of each alternative on the instream and downstream water quality, the instream habitat, and the habitat and plant and animal life in the area upstream, downstream, and to be inundated by the proposed project;
  - (ii) the costs associated with, and an economic analysis for, each alternative;
  - (iii) an engineering analysis for each alternative; and
  - (iv) a socio-economic evaluation of the project to the local area and to the State as a whole; and
- (5) Information and supporting documentation which address the criteria set forth in Appendix E;
- (6) A recommendation to the Commission from the Director on whether or not the designated use should be maintained based upon a review of the information and supporting documentation required to be considered in Appendix E. The Director shall provide the petitioner with the Director's recommendation within 180 days of the ~~Department's Division's~~ receipt of the petitioner's Appendix E submittal. If the Director does not deliver a recommendation to the petitioner within the 180 day time period, the petitioner may file its petition under this section without including a recommendation from the Director. The Director may submit a recommendation to the Commission at any time not less than 30 days prior to the Commission's final decision on the petition.
- (7) A description of any proposed mechanisms for protecting the domestic water supply, including but not limited to prohibitions to be placed on commercial and residential development along the proposed shoreline of the impoundment, the controls to be placed on public access to the water supply, and the legal authority for establishing and maintaining these domestic water supply protections; and
- (8) Any other submittals required by ~~Regulation~~ Rule No. 8 for a petition to initiate

rulemaking.

(C) The Commission, as part of its rulemaking decision, shall determine whether or not a feasible alternative to constructing a reservoir is available to meet the domestic water needs of the citizens of the State of Arkansas. The Commission shall set forth the reasons for its determination in writing. The designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway shall not be removed by the Commission if a feasible alternative to constructing a reservoir is available to meet the domestic water needs of the citizens of the State of Arkansas.

(D) The Commission, as part of its rulemaking, shall determine whether or not the sole purpose for the funding and construction of the reservoir is to provide a domestic water supply. The Commission shall set forth the reasons for its determination in writing. The designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway shall not be removed by the Commission if the purpose for the funding and construction of the reservoir is other than to provide a domestic water supply. In no circumstance, shall the designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway be removed by the Commission from a free flowing waterbody in order to construct a reservoir for recreational, flood control, or economic purposes other than providing a domestic water supply.

(E) The Commission, as part of its rulemaking decision, shall determine whether or not the designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway of a given waterbody should be maintained. The Commission shall set forth the reasons for its determination in writing, after considering the Director's recommendation referenced in Subsection (B)(6) of this section and reviewing the information and supporting documentation which address the criteria set forth in Appendix E.

**Reg-Rule 2.311      Procedure for the Addition of the Designated Use of Extraordinary Resource Water, or Ecologically Sensitive Waterbody, or Natural and Scenic Waterway to a Waterbody or Segment of a Waterbody.**

(A) Any waters of the State may be nominated for designation as an Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway by submitting a petition to initiate rulemaking to the Arkansas Pollution Control and Ecology Commission. Such petition shall include, at a minimum, the following:

- (1) Name of petitioner;
- (2) Petitioner's mailing address and telephone number;
- (3) Name and location description of the waterbody or segment proposed for designation;
- (4) A map depicting the waterbody or segment proposed for designation;
- (5) Petitioner's interest in the proposed action;

- (6) Statement of potential benefits and impacts of the proposed action, including economic benefits and impacts;
- (7) Evidence of requests for resolution(s) by appropriate local government(s) regarding the nomination of the waterbody as an Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway;
- (8) Supporting documentation for the designation, including information which addresses the factors listed in Appendix F;
- (9) Recommended language change necessary to affect this proposed change to any Commission ~~regulation~~rule; and
- (10) Any other submittals required by ~~Regulation~~Rule No. 8 for a petition to initiate rulemaking.
- (B) The Commission, as part of its rulemaking, shall set forth in writing the reasons for its final decision.



## CHAPTER 4: GENERAL STANDARDS

### **Reg-Rule 2.401 Applicability**

Unless otherwise indicated in this Chapter or in Appendix A, the general standards outlined below are applicable to all surface waters of the State at all times. They apply specifically with regard to substances attributed to discharges, nonpoint sources, or instream activities as opposed to natural phenomena. Waters may, on occasion, have natural background levels of certain substances outside the limits established by these criteria, in which case these criteria do not apply.

### **Reg-Rule 2.402 Nuisance Species**

All waters shall be free from substances attributed to man-caused point or nonpoint source discharges in concentrations that produce undesirable aquatic biota or result in the dominance of nuisance species.

### **Reg-Rule 2.403 Methods**

The methods of sample collection, preservation, measurements, and analyses shall be in accordance with the United States Environmental Protection Agency *Guidelines Establishing Test Procedures for the Analysis of Pollutants* (40 C.F.R. §~~Part~~ 136) or other proven methods acceptable to the ~~Department~~Division.

### **Reg-Rule 2.404 ~~Mixing Zones~~RESERVED**

~~Where mixing zones are allowed, the effects of wastes on the receiving stream shall be determined after the wastes have been thoroughly mixed with the mixing zone volume. Outfall structures should be designed to minimize the extent of mixing zones to ensure rapid and complete mixing.~~

~~For aquatic life toxic substances in larger streams (those with Q7-10 flows equal to or greater than 100 cfs), the zone of mixing shall not exceed 1/4 of the cross sectional area and/or critical flow volume of the stream. The remaining 3/4 of the stream shall be maintained as a zone of passage for swimming and drifting organisms, and shall remain of such quality that stream ecosystems are not significantly affected. In the smaller streams (Q7-10 flows less than 100 cfs) because of varying local physical and chemical conditions and biological phenomena, a site-specific determination shall be made on the percentage of river width necessary to allow passage of critical free swimming and drifting organisms so that negligible or no effects are produced on their populations. As a guideline, no more than 2/3 of the cross sectional area and/or critical flow volume of smaller streams should be devoted to mixing zones thus leaving at least 1/3 of the cross sectional area free as a zone of passage.~~

~~Mixing zones are not allowed for the parameters of bacteria or oil and grease, or where the background flow is less than the critical flow or where the background concentration of a waste parameter exceeds the specific criteria for that waste parameter.~~

~~In lakes and reservoirs the size of mixing zones shall be defined by the Department Division on an individual basis, and the area shall be kept at a minimum.~~

~~Mixing zones shall not prevent the free passage of fish or significantly affect aquatic ecosystems.~~

~~A mixing zone shall not include any domestic water supply intake.~~

#### **Reg.Rule 2.405 Biological Integrity**

For all waters with specific aquatic life use designated in Appendix A, aquatic biota should not be impacted. Aquatic biota should be representative of streams that have the ability to support the designated fishery, taking into consideration the seasonal and natural variability of the aquatic biota community under naturally varying habitat and hydrological conditions; the technical and economic feasibility of the options available to address the relevant conditions; and other factors.

An aquatic biota assessment should compare biota communities that are similar in habitat and hydrologic condition, based upon either an in-stream study including an upstream and downstream comparison, a comparison to a reference water body within the same ecoregion, or a comparison to community characteristics from a composite of reference waters. Such a comparison should consider the seasonal and natural variability of the aquatic biota community. It is the responsibility of the ~~Department~~ Division to evaluate the data for an aquatic biota assessment to protect aquatic life uses designated in Appendix A. Such data may be used to develop permit effluent limitations or conditions.

#### **Reg.Rule 2.406 Color**

True color shall not be increased in any waters to the extent that it will interfere with present or projected future uses of these waters.

#### **Reg.Rule 2.407 Taste and Odor**

Taste and odor producing substances shall be limited in ~~receiving~~ all waters to concentrations that will not interfere with the production of potable water by reasonable water treatment processes, ~~or impart unpalatable flavor to food, or fish, or result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water.~~

#### **Reg.Rule 2.408 Solids, Floating Material and Deposits**

~~Receiving~~ Waters shall have no distinctly visible solids, scum, or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits, or sludge banks.

**Reg. Rule 2.409 Toxic Substances**

~~Discharges shall not be allowed into any waterbody which, after consideration of the zone of initial dilution, the mixing zone, and critical flow conditions, will~~ Toxic substances that may cause toxicity to human, animal, plant, or aquatic biota or interfere with normal propagation, growth, and survival of aquatic biota shall not be allowed into any waterbody.

**Reg. Rule 2.410 Oil and Grease**

Oil, grease, or petrochemical substances shall not be present in receiving waters to the extent that they produce globules, or other residue, or any visible, colored film on the surface; or coat the banks and/or bottoms of the waterbody; or adversely affect any of the associated biota.

## CHAPTER 5: SPECIFIC STANDARDS

### **Reg-Rule 2.501 Applicability**

Unless otherwise indicated in this Chapter or in Appendix A, the following specific standards shall apply to all surface waters of the sState at all times except during periods when flows are less than the applicable critical flow. Streams with regulated flow will be addressed on a case-by-case basis to maintain designated instream uses. These standards apply outside the applicable mixing zone. Waters may, on occasion, have natural background levels of certain substances outside the limits established by these criteria, in which case these criteria do not apply to the naturally occurring excursions.

### **Reg-Rule 2.502 Temperature**

~~For purposes of determining effluent limits, Hheat shall not be added to any waterbody in excess of the amount that will elevate the natural temperature, outside the mixing zone, by more than 5° F (2.8° C) based upon the monthly average of the maximum daily temperatures measured at mid depth or three feet (whichever is less) in streams, lakes, or reservoirs.~~

The following standards criteria are applicable:

<b>Waterbodies</b>	<b><u>Limit-Criteria</u> ° C ( F)</b>
<b>Streams</b>	
Ozark Highlands	29 (84.2)
Boston Mountains	31 (87.8)
Arkansas River Valley	31 (87.8)
Ouachita Mountains	30 (86.0)
Springwater-influenced Gulf Coastal	30 (86.0)
Typical Gulf Coastal	30 (86.0)
Least-Altered Delta	30 (86.0)
Channel-Altered Delta	32 (89.6)
White River (Dam #1 to mouth)	32 (89.6)
St. Francis River	32 (89.6)
Mississippi River	32 (89.6)
Arkansas River	32 (89.6)
Ouachita River (L. Missouri R.to Louisiana state line)	32 (89.6)
Red River	32 (89.6)
<b>Lakes and Reservoirs</b> ( <del>applicable at 1.0 meter depth</del> )	32 (89.6)
<b>Trout w<u>W</u>aters</b>	20 (68.0)

Temperature requirements shall not apply to off-stream privately-owned reservoirs constructed primarily for industrial cooling purposes and financed in whole or in part by the entity or successor entity using the lake for cooling purposes.

### **Reg-Rule 2.503 Turbidity**

There shall be no distinctly visible increase in turbidity ~~of receiving in~~ waters of the state attributable to ~~discharges or instream~~ anthropogenic activities.

The values below should not be exceeded during base flow (June ~~1 to~~ through October ~~31~~) in more than 20% of samples. The values below should not be exceeded during ~~all~~ storm flows in more than 25% of samples taken in not less than 24 monthly samples.

<b>Waterbodies</b>	<b>Base Flows Values (NTU)</b>	<b><u>All Storm</u> Flows Values (NTU)</b>
<b>Streams</b>		
Ozark Highlands	10	17
Boston Mountains	10	19
Arkansas River Valley	21	40
Ouachita Mountains	10	18
Springwater-influenced Gulf Coastal	21	32
Typical Gulf Coastal	21	32
Least-Altered Delta	45	84
Channel-Altered Delta	75	250
Arkansas River	50	52
Mississippi River	50	75
Red River	50	150
St. Francis River	75	100
Trout <u>Waters</u>	10	15
<b>Lakes and Reservoirs</b>	25	45
<del>(applicable at 1.0 meter depth)</del>		

### **Reg-Rule 2.504 pH**

pH between 6.0 and 9.0 standard units are the applicable ~~standards~~ criteria for rivers, streams, lakes, and reservoirs. ~~For lakes, the standards are applicable at 1.0 meter depth.~~

~~As a result of waste discharges, the pH of water in streams or lakes must not fluctuate in excess of 1.0 standard unit over a period of 24 hours.~~

## **Reg. Rule 2.505 Dissolved Oxygen**

### **Rivers and Streams**

The following dissolved oxygen ~~standards~~ criteria are applicable:

<b>Waterbodies</b>	<b>Criteria (mg/L)</b>	
	Primary	Critical
<b>Streams</b>		
Ozark Highlands		
<10 mi <sup>2</sup> watershed	6	2
10 to 100 mi <sup>2</sup>	6	5
>100 mi <sup>2</sup> watershed	6	6
 Boston Mountains		
<10 mi <sup>2</sup> watershed	6	2
>10 mi <sup>2</sup> watershed	6	6
 Arkansas River Valley		
<10 mi <sup>2</sup> watershed	5	2
10 mi <sup>2</sup> to 150 mi <sup>2</sup>	5	3
151 mi <sup>2</sup> to 400 mi <sup>2</sup>	5	4
>400 mi <sup>2</sup> watershed	5	5
 Ouachita Mountains		
<10 mi <sup>2</sup> watershed	6	2
>10 mi <sup>2</sup> watershed	6	6
 Typical Gulf Coastal		
<10 mi <sup>2</sup> watershed	5	2
10 mi <sup>2</sup> to 500 mi <sup>2</sup>	5	3
 >500 mi <sup>2</sup> watershed	5	5
 Springwater-influenced Gulf Coastal		
All size watersheds	6	5
 Delta (least-altered and channel altered)		
<10 mi <sup>2</sup> watershed	5	2
10 mi <sup>2</sup> to 100 mi <sup>2</sup>	5	3
>100 mi <sup>2</sup> watershed	5	5
 Trout Waters		
All size watersheds	6	6

In streams with watersheds of less than 10 mi<sup>2</sup>, it is assumed that insufficient water exists to support aquatic life during the critical season. During this time, a dissolved oxygen ~~standard~~

criteria of 2 mg/L will apply to prevent nuisance conditions. However, field verification is required in areas suspected of having significant groundwater flows or enduring pools ~~which that~~ may support unique aquatic biota. In such waters the critical season ~~standard~~ criteria for the next size category of stream shall apply.

All streams with watersheds of less than 10 mi<sup>2</sup> are expected to support aquatic life during the primary season when stream flows, including discharges, equal or exceed 1 cubic foot per second (cfs). However, when site verification indicates that aquatic life exists at flows below 1 cfs, such aquatic biota will be protected by the primary standard (refer to the State of Arkansas Continuing Planning Process for field verification requirements).

Also, in ~~these~~ streams with watersheds of less than 10 mi<sup>2</sup>, where waste discharges are 1 cfs or more, ~~the streams~~ are assumed to provide sufficient water to support aquatic life and, therefore, must meet the dissolved oxygen standard of the next size category of streams.

~~For purposes of determining effluent discharge limits, the following conditions shall apply:~~

- ~~(A) The primary season dissolved oxygen standard is to be met at a water temperature of 22°C (71.5°F) and at the minimum stream flow for that season. At water temperatures of 10°C (50°F), the dissolved oxygen standard criteria is 6.5 mg/L.~~
- ~~(B) During March, April and May, when background stream flows are 15 cfs or higher, the dissolved oxygen standard is 6.5 mg/L in all areas except the Delta Ecoregion, where the primary season dissolved oxygen standard criteria will remain at 5 mg/L.~~
- ~~(C) The critical season dissolved oxygen standard is to be met at maximum allowable water temperatures and at Q7-10 flows. However, when water temperatures exceed 22°C (71.6°F), a 1 mg/L diurnal depression will be allowed below the applicable critical standard criteria for no more than 8 hours during any 24 hour period.~~

## **Lakes and Reservoirs**

Specific dissolved oxygen ~~standards~~ criteria for lakes and reservoirs shall be 5 mg/L ~~applicable at~~ 1.0 meter depth.

~~Effluent limits for oxygen demanding discharges into impounded waters are promulgated in Arkansas Pollution Control and Ecology Commission Regulation Rule No. 6, Regulations Rules for State Administration of the National Pollutant Discharge Elimination System (NPDES).~~

~~However, the Commission may, after full satisfaction of the intergovernmental coordination and public participation provisions of the State of Arkansas Continuing Planning Process, establish alternative limits for dissolved oxygen in lakes and reservoirs where studies and other relevant information can demonstrate that predominant ecosystem conditions may be more accurately reflected by such alternate limits; provided that these limits shall be compatible with all designated beneficial uses of named lakes and reservoirs.~~

## **Reg-Rule 2.506 Radioactivity**

The Rules and Regulations for the Control of Sources of Ionizing Radiation of the Division of Radiological Health, Arkansas Department of Health, limits the maximum permissible levels of radiation that may be present in effluents to surface waters in uncontrollable areas. These limits shall apply for the purposes of these standards, except that in no case shall the levels of dissolved radium-226 and strontium-90 exceed 3 and 10 picocuries/liter, respectively, in the receiving water after mixing, nor shall the gross beta concentration exceed 1000 picocuries/liter.

## **Reg-Rule 2.507 Bacteria**

For the purposes of this ~~regulation rule~~, all streams with watersheds less than 10 mi<sup>2</sup> shall not be designated for primary contact unless and until site verification indicates that such use is attainable. Secondary contact use is assumed in all watershed sizes. ~~No mixing zones are allowed for discharges of bacteria.~~

For assessment of ambient waters as impaired by bacteria, the below listed applicable ~~values~~ criteria for *E. coli* or fecal coliform shall not be exceeded in more than 25% of individual samples in no less than eight (8) samples taken during the primary contact season or during the secondary contact season.

The following ~~standards~~ criteria are applicable:

<u>Contact Recreation Seasons</u>	<u>LimitCriteria (col/100mL)</u>			
<u>Primary Contact</u> <sup>1</sup>	<u>E. coli</u>		<u>Fecal Coliform</u>	
	<u>IS</u> <sup>3</sup>	<u>GM</u> <sup>4</sup>	<u>IS</u> <sup>3</sup>	<u>GM</u> <sup>4</sup>
ERW, ESW, NSW, Reservoirs, Lakes <sup>2</sup>	298	126	400	200
All Other Waters	410	-	400	200
<u>Secondary Contact</u> <sup>5</sup>				
ERW, ESW, NSW, Reservoirs, Lakes <sup>2</sup>	1490	630	2000	1000
All Other Waters	2050	-	2000	1000

<sup>1</sup> May 1 to September 30

<sup>2</sup> ~~Applicable at 1.0 meter depth in Reservoirs and Lakes~~(RESERVED)

<sup>3</sup> For assessment of Individual Sample Criteria– at least eight (8) data points

<sup>4</sup> For calculation and assessment of Geometric Mean – calculated on a minimum of five (5) samples spaced evenly and within a thirty (30)-day period.

<sup>5</sup> ~~October 1 to April 30~~Year-round.

The Arkansas Department of Health has the responsibility of approving or disapproving surface waters for public water supply and of approving or disapproving the suitability of specifically



delineated outdoor bathing places for body contact recreation, and it has issued rules ~~and regulations~~ pertaining to such uses.

### **Reg-Rule 2.508 Toxic Substances**

Toxic substances ~~shall not be present in receiving waters, after mixing, in such quantities as to be toxic that may cause toxicity~~ to human, animal, plant or aquatic life or to interfere with the normal propagation, growth and survival of the indigenous aquatic biota shall not be allowed into any waterbody. ~~Acute toxicity standards apply outside the zone of initial dilution. Within the zone of initial dilution acute toxicity standards may be exceeded but acute toxicity may not occur. Chronic toxicity and chronic numeric toxicity standards apply at, or beyond, the edge of the mixing zone. Permitting of all toxic substances shall be in accordance with the toxic implementation strategy found in the State of Arkansas Continuing Planning Process.~~ For non-permit issues and as a guideline for evaluating toxic substances not listed in the following tables, the ~~Department~~ Division may consider No Observed Effect Concentrations or other literature values as appropriate. For the substances listed below, the following standards shall apply:

#### **ALL WATERBODIES - AQUATIC LIFE CRITERIA**

<b><u>Substance</u></b>	<b><u>Acute Values (µg/L)</u></b>	<b><u>Chronic Values (µg/L)</u></b> <b>(24-hr Average)</b>
PCBs		0.0140
Aldrin	3.0	
Dieldrin	2.5	0.0019
DDT (& metabolites)	1.1	0.0010
Endrin*	0.18	0.0023
Toxaphene	0.73	0.0002
Chlordane	2.4	0.0043
Endosulfan*	0.22	0.056
Heptachlor	0.52	0.0038
Hexachlorocyclohexane*	2.0	0.080
Pentachlorophenol	$e^{[1.005(\text{pH})-4.869]}$	$e^{[1.005(\text{pH})-5.134]}$
Chlorpyrifos	0.083	0.041

\* Total of all isomers

#### **DISSOLVED METALS \***

<b><u>Acute Criteria (CMC) - µg/L(ppb)</u></b>			<b><u>Chronic Criteria (CCC) - ug/L(ppb)</u></b>		
<b><u>Substance</u></b>	<b><u>Formula</u></b>	<b><u>X Conversion</u></b>	<b><u>Formula</u></b>	<b><u>X Conversion</u></b>	
Cadmium	$e^{[1.128(\text{Inhardness})]-3.828}$	(a)	$e^{[0.7852(\text{Inhardness})]-3.490}$	(c)	

<u>Acute Criteria (CMC) - ug/L(ppb)</u>			<u>Chronic Criteria (CCC) - ug/L(ppb)</u>			
<u>Substance</u>	<u>Formula</u>	<u>X</u>	<u>Conversion</u>	<u>Formula</u>	<u>X</u>	<u>Conversion</u>
Chromium(III)	$e^{[0.819(\ln\text{hardness})]+3.688}$	0.316		$e^{[0.8190(\ln\text{hardness})]+1.561}$		0.860
Chromium (VI)	16	0.982		11		0.962
Copper	$e^{[0.9422(\ln\text{hardness})]-1.464}$	0.960		$e^{[0.8545(\ln\text{hardness})]-1.465}$		0.960
Lead	$e^{[1.273(\ln\text{hardness})]-1.460}$	(b)		$e^{[1.273(\ln\text{hardness})]-4.705}$		(b)
Mercury‡	2.4	0.85		0.012**		NONE
Nickel	$e^{[0.8460(\ln\text{hardness})]+3.3612}$	0.998		$e^{[0.8460(\ln\text{hardness})]+1.1645}$		0.997
Selenium**	20	NONE		5		NONE
Silver	$e^{[1.72(\ln\text{hardness})]-6.52}$	0.85		-----		NONE
Zinc	$e^{[0.8473(\ln\text{hardness})]+0.8604}$	0.978		$e^{[0.8473(\ln\text{hardness})]+0.7614}$		0.986
Cyanide**	22.36	NONE		5.2		NONE

\*These values may be adjusted by a site specific Water Effects Ratio (WER) as defined in 40 C.F.R. § 131.36 (c).

- (a) Calculated as:  $1.136672 - [(\ln \text{hardness})(0.041838)]$
- (b) Calculated as:  $1.46203 - [(\ln \text{hardness})(0.145712)]$
- (c) Calculated as:  $1.101672 - [(\ln \text{hardness})(0.041838)]$

\*\*Expressed as total recoverable.

‡Mercury based on bioaccumulation of residues in aquatic organisms.

### ALL WATERBODIES - HUMAN HEALTH CRITERIA

<u>Substance</u>	<u>Criteria (ng/L)*</u>
Dioxin (2,3,7,8 TCDD)	0.001
Chlordane	5.0
PCBs (polychlorinated biphenyls)	0.4
alpha Hexachlorocyclohexane	37.3
Beryllium	4000**
Dieldrin	1.2
Toxaphene	6.3

\* Criteria based on a lifetime risk factor of  $10^{-5}$ .

\*\* 4000 ng/L is also represented as 4.0 ug/L, which is the maximum contaminant level under the Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.*

The permittee shall have the option to develop site-specific numerical standards for toxic substances using United States Environmental Protection Agency approved bioassay methodology and guidance. Such guidance may include but may not be limited to *Water Quality Standards Handbook; Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses* (August, 1994); *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms* (EPA 600/4-90/027F. 5<sup>th</sup> ed. December 2002); *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/600/4-91/002. 4<sup>th</sup> ed. October 2002) or most recent update thereof.

Only ambient water quality data for dissolved metals generated or approved by the ~~Department~~ Division after March 1, 1993 will be considered in the documentation of background concentrations for the purpose of developing permit limitations.

### **Reg. Rule 2.509 Nutrients**

(A) Materials stimulating algal growth shall not be present in concentrations sufficient to cause objectionable algal densities or other nuisance aquatic vegetation or otherwise impair any designated use of the waterbody. Impairment of a waterbody from excess nutrients is dependent on the natural waterbody characteristics such as stream flow, residence time, stream slope, substrate type, canopy, riparian vegetation, primary use of waterbody, season of the year, and ecoregion water chemistry. Because nutrient water column concentrations do not always correlate directly with stream impairments, impairments will be assessed by a combination of factors such as water clarity, periphyton or phytoplankton production, dissolved oxygen values, dissolved oxygen saturation, diurnal dissolved oxygen fluctuations, pH values, aquatic-life community structure and possibly others. However, when excess nutrients result in an impairment, based upon ~~Department~~ Division assessment methodology, by any Arkansas established numeric water quality ~~standard criteria~~, the waterbody will be determined to be impaired by nutrients.

### **(B) Site Specific Nutrient Standards Criteria**

Lake	Chlorophyll a (ug/L)**	Secchi Transparency (m)***
Beaver Lake*	8	1.1

\*These ~~standards criteria~~ are for measurement at the Hickory Creek site over the old thalweg, below the confluence of War Eagle Creek and the White River in Beaver Lake.

\*\*Growing season geometric mean (May - October)

\*\*\*Annual Average

~~All point source discharges into the watershed of waters officially listed on Arkansas's impaired waterbody list (303(d)) with phosphorus as the major cause shall have monthly average~~

~~discharge permit limits no greater than those listed below. Additionally, waters in nutrient surplus watersheds as determined by Act 1061 of 2003 Regular Session of the Arkansas 84<sup>th</sup> General Assembly as set forth in Ark. Code Ann. § 15-20-1104, and subsequently designated nutrient surplus watersheds may be included under this Reg. Rule if point source discharges are shown to provide a significant phosphorus contribution to waters within the listed nutrient surplus watersheds.~~

<u>Facility Design Flow—mgd</u>	<u>Total Phosphorus discharge limit—mg/L</u>
= or > 15	Case by case
3 to < 15	1.0
1 to < 3	2.0
0.5 to < 1.0	5.0
< 0.5	Case by Case

~~For discharges from point sources which are greater than 15 mgd, reduction of phosphorus below 1 mg/L may be required based on the magnitude of the phosphorus load (mass) and the type of downstream waterbodies (e.g., reservoirs, Extraordinary Resource Waters). Additionally, any discharge limits listed above may be further reduced if it is determined that these values are causing impairments to special waters such as domestic water supplies, lakes or reservoirs, or Extraordinary Resource Waters.~~

#### **Reg. Rule 2.510 Oil and Grease**

~~Oil, grease, or petrochemical substances shall not be present in receiving waters of the state to the extent that they produce globules, or other residue, or any visible, colored film on the surface; or coat the banks and/or bottoms of the watercourses; or adversely affect any of the associated biota. Oil and grease shall be an average of no more than 10 mg/L or a maximum of no more than 15 mg/L. No mixing zones are allowed for discharges of oil and grease.~~

#### **Reg. Rule 2.511 Mineral Quality**

##### **(A) Site Specific Mineral Quality Criteria**

Mineral quality shall not be altered by municipal, industrial, other waste discharges or instream activities so as to interfere with designated uses.

The following criteria apply to the streams indicated.

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chlorides</u> (Cl <sup>-</sup> )	<u>Sulfates</u> (SO <sub>4</sub> <sup>=2-</sup> )	<u>TDS</u>
Arkansas River Basin			
Arkansas River (Mouth to Murray Lock and Dam [L&D #7])	250	100	500
Bayou Meto (Rocky Branch to <u>Pulaski/Lonoke county</u>	64*	ER	ER
<u>line Bayou Two Prairie)</u>			
Bayou Meto ( <del>mouth to Bayou Two Prairie</del> ) ( <u>Pulaski/Lonoke county line to mouth</u> )	95**	45**	ER

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chlorides</u> (Cl <sup>-</sup> )	<u>Sulfates</u> (SO <sub>4</sub> <sup>=2-</sup> )	<u>TDS</u>
Bayou Two Prairie (Pulaski/Lonoke county line to Northern boundary of Smoke Hole Natural Area)	95**	45**	ER
Bayou Two Prairie (Southern boundary of Smoke Hole Natural Area to Mouth)	95**	45**	ER
Rocky Branch Creek	64*	ER	ER
Little Fourche Creek (Willow Springs Branch to Fourche Creek)	ER	ER	179
Willow Springs Branch (McGeorge Creek to Little Fourche Creek)	ER	112	247
McGeorge Creek (headwaters to Willow Springs Branch)	ER	250	432
Arkansas River (Murray Lock and Dam [L&D #7] to Dardanelle Lock and Dam [L&D #10])	250	100	500
Cadron Creek	20	20	100
Arkansas River (Dardanelle Lock and Dam [L&D #10] to Oklahoma state line, including Dardanelle Reservoir)	250	120	500
James Fork	20	100	275
Illinois River	20	20	300
Poteau River from Scott County Road 59 to Oklahoma state line	120	60	500
Poteau River from confluence of Unnamed trib to Scott County Road 59	185†	200†	786†
Unnamed trib from Tyson-Waldron Outfall 001 to confluence with the Poteau River	180†	200†	870†
White River Basin			
White River (Mouth to Dam #3)	20	60	430
Big Creek	20	30	270
Unnamed trib from Frit Ind.	ER	48*	ER
Cache River	20	30	270
Bayou DeView (from Mouth to AR Hwy 14)	48	37.3	411.3
Bayou DeView (from AR Hwy 14 to Whistle Ditch)	48	38	411.3
Big Creek (from Whistle Ditch to mouth of Unnamed trib)	58	49	ER
Unnamed trib to Big Creek	71	60	453
Lost Creek Ditch	20	30	270
Little Red River (including Greers Ferry Reservoir)	20	30	100
Black River	20	30	270
Strawberry River	20	30	270
Spring River	20	30	290
Eleven Point River	20	30	270
Stennitt Creek from Brushy Creek to Spring River	ER	ER	456*
South Fork Spring River	20	30	270

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chlorides</u> (Cl <sup>-</sup> )	<u>Sulfates</u> (SO <sub>4</sub> <sup>=2-</sup> )	<u>TDS</u>
Myatt Creek	20	30	270
Current River	20	30	270
White River (Dam #3 to Missouri state line, including Bull Shoals Reservoir)	20	20	180
Buffalo River	20	20	200
Crooked Creek (Harrison WWTP outfall to Monitoring Station WHI0193)	22.6‡	24.4‡	269‡
Crooked Creek (Monitoring Station WHI0193 to the mouth)	20	20	238‡
White River (Missouri state line, including Beaver Reservoir) (to WHI0052)	20	20	160
Holman Creek from the confluence with Town Branch downstream to the confluence with War Eagle Creek	180†	48†	621†
Town Branch from point of discharge of the City of Huntsville WWTP downstream to the confluence with Holman Creek	223†	61†	779†
<u>White River from WR-02 to WHI0052</u>	<u>30‡</u>	<u>40‡</u>	<u>237‡</u>
White River from Noland WWTP to 0.4 miles downstream (WR-02)	44‡	79‡	362‡
<del>White River from WR-02 to WHI0052</del>	<del>30‡</del>	<del>40‡</del>	<del>237‡</del>
<u>White River headwaters to Noland WWTP</u>	<u>20</u>	<u>20</u>	<u>160</u>
Kings River	20	20	150
West Fork White River	20	20	150
St. Francis River Basin			
St. Francis River (Mouth to 36° N. Lat.)	10	30	330
L'Anguille River	20	30	235
Tyronza River (headwaters to Ditch No. 6 confluence)	20	30	350
Ditch No. 27	ER	480	1200
Ditch No. 6 (mouth to Ditch No. 27 confluence)	ER	210	630
Tyronza River (mouth to Ditch No. 6 confluence)	20	60	350
Little River	20	30	365
Pemiscot Bayou	20	30	380
St. Francis River (36° N. Lat. to 36° 30' N. Lat.)	10	20	180
Ouachita River Basin			
Bayou Bartholomew	30	30	220
Chemin-A-Haut Creek	50	20	500
Overflow Creek	20	30	170
Bayou Macon	30	40	330
Boeuf River	90	30	460
Big Cornie Creek	230	30	500
Little Cornie Creek	200	10	400

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chlorides</u> (Cl <sup>-</sup> )	<u>Sulfates</u> (SO <sub>4</sub> <sup>=2-</sup> )	<u>TDS</u>
Three Creeks	250	10	500
Little Cornie Bayou	200	20	500
Walker Branch	180	ER	970
Gum Creek	104*	ER	311*
Bayou de L'Outre above Gum Creek	250	90	500
Bayou de L'Outre below Gum Creek	250	90	750
Ouachita River (Louisiana state line to Camden)	160	40	350
Saline River	20	40	120
Saline River east bifurcation at Holly Creek	ER	250	500
Hurricane Creek above Hurricane Lake Dam	20	250	500
Hurricane Creek from Hurricane Lk. Dam to Ben Ball Bridge	125	730	1210
Hurricane Creek from Ben Ball Bridge to US Hwy.270	125	700	1200
Hurricane Creek from Hwy 270 to Saline River	100	500	1000
Alcoa unnamed tribs to Hurricane Creek	125	700	1100
Dry Lost Creek and tribs	ER	560	880
Lost Creek to Little Lost Creek	ER	510	820
Lost Creek below Little Lost Creek	ER	300	550
Holly Creek	30	860	1600
Moro Creek	30	20	260
Smackover Creek	250	30	500
<del>— Unnamed trib A to Flat Creek from mouth of EDCC</del>	<del>16*†</del>	<del>80*†</del>	<del>315*†</del>
<del>— 001 ditch to confluence with Flat Creek</del>			
<del>— Confluence with unnamed trib A to Flat Creek</del>	<del>23*†</del>	<del>125*†</del>	<del>475*†</del>
Boggy Creek - from the discharge for Clean Harbors El Dorado LLC to the confluence of Bayou de Loutre	631	63	1360
Ouachita River (Camden to Carpenter Dam)	50	40	150
Town Creek below Acme tributary	ER	200	700
Unnamed trib from Acme	ER	330	830
Little Missouri River	10	90	180
Muddy Fork Little Missouri	ER	250	500
Bluff Creek and unnamed trib.	ER	651*	1033*
Garland Creek	250	250	500
South Fork Caddo	ER	60	128
Back Valley Creek	ER	250	500
Wilson Creek from its mouth upstream approx. 1.7 miles at the UMETCO property line	56	250	500
Ouachita River (Carpenter Dam to Headwaters, including Lake Ouachita tributaries)	10	10	100
Red River Basin			
Bayou Dorcheat	100	16*	250
Albemarle unnamed trib (AUT) to Horsehead Creek	137*	ER	383*

**Stream****Concentration-mg/L**

	<u>Chlorides</u> (Cl <sup>-</sup> )	<u>Sulfates</u> (SO <sub>4</sub> <sup>=2-</sup> )	<u>TDS</u>
Horsehead Creek from AUT to mouth	85*	ER	260*
Cypress Creek	250	70	500
Crooked Creek	250	10	500
Dismukes Creek	26*	ER	157*
Big Creek from Dismukes to Bayou Dorcheat	20*	ER	200*
Bois d'Arc Creek from Caney Creek to Red River	113*	283*	420*
Caney Creek	113*	283*	420*
Bodcau Creek	250	70	500
Poston Bayou	120	40	500
Kelley Bayou	90	40	500
Red River from Arkansas/Oklahoma state line to mouth of the Little River	250	<del>250</del> †	<del>940</del> †
Red River from mouth of the Little River to the Arkansas/Louisiana State Line	250	<u>200</u>	<u>850</u>
Sulphur River	120	<del>225</del> †	<del>780</del> †
Days Creek	250	<u>200</u>	<u>500</u>
McKinney Bayou	180	100	500
Little River <u>from Oklahoma State line to Millwood Lake</u>	20	250	500
Little River from Millwood Lake to the Red River	20	60	480
Saline River	20	20	100
Mine Creek from Hwy 27 to Millwood Lake	20	20	100
Cossatot River	90	20	138†
Upper Rolling Fork	10	10	90
Rolling Fork from unnamed trib A to DeQueen Lake	15	10	70
Unnamed tribs A and A1 at Grannis	20	70	100
Mountain Fork	130	70	670
Mississippi River (Louisiana state line to Arkansas River)	135	20	700
Mississippi River (Arkansas River to Missouri state line)	20	135	700
	60	150	425
	60	175	450

ER - ecoregion value

\* developed using background flow of 4 cfs

\*\* These ~~limits~~ criteria shall apply to all tributaries of Bayou Meto and Bayou Two Prairie listed in Appendix A

Any modification of these values must be made in accordance with ~~Reg.~~ Rule 2.306.

† Not applicable for Clean Water Act purposes until approved by EPA.

## (B) Ecoregion Reference Stream Minerals Values

The following values were determined from Arkansas's least-disturbed ecoregion reference streams and are considered to be the maximum naturally occurring levels. For waterbodies not listed above, any discharge ~~which~~ that results in instream concentrations more than 1/3 higher than these values for chlorides (Cl<sup>-</sup>) and sulfates (SO<sub>4</sub><sup>=2-</sup>) or more than 15 mg/L, whichever is greater, is considered to be a significant modification of the



maximum naturally occurring values. These waterbodies should be considered as candidates for site specific criteria development in accordance with ~~Regs.~~Rules 2.306 and 2.308. Similarly, site specific criteria development should be considered if the following TDS values are exceeded after being increased by the sum of the increases to  $\text{Cl}^-$  and  $\text{SO}_4^{2-}$ . Such criteria may be developed only in accordance with ~~Regs.~~Rules 2.306 and 2.308. The values listed in the table below are not intended ~~nor will these values to~~ be used by the ~~Department~~ Division to evaluate attainment of the water quality standards for assessment purposes.

**ECOREGION REFERENCE STREAM VALUES (mg/L)**

Ecoregion	Chlorides ( $\text{Cl}^-$ )	Sulfates ( $\text{SO}_4^{2-}$ )	TDS
Ozark Highlands	13	17	240
Boston Mountains	13	9	85
Arkansas River Valley	10	13	103
Ouachita Mountains	6	15	128
Gulf Coastal Plains	14	31	123
Delta	36	28	390

(C) Domestic Water Supply Criteria

In no case shall discharges cause concentrations in any waterbody to exceed 250, 250, and 500 mg/L of chlorides, sulfates, and total dissolved solids, respectively, or cause concentrations to exceed the applicable criteria, except in accordance with ~~Regs.~~Rules 2.306 and 2.308. ~~For lakes and reservoirs applicable at 1.0 meter depth.~~

**Reg.Rule 2.512 Ammonia**

The total ammonia nitrogen (N) criteria and the frequency of occurrence are as follows:

(A) The one-hour average concentration of total ammonia nitrogen shall not exceed, more than once every three years on the average, the acute criterion as shown in the following table:

**pH-Dependent Values of the CMC (Acute Criterion)- mg/L**

<b><u>pH</u></b>	<b><u>Salmonids*</u> <u>Present</u></b>	<b><u>Salmonids</u> <u>Absent</u></b>
6.5	32.6	48.8
6.6	31.3	46.8
6.7	29.8	44.6
6.8	28.1	42.0
6.9	26.2	39.1
7.0	24.1	36.1
7.1	22.0	32.8
7.2	19.7	29.5
7.3	17.5	26.2
7.4	15.4	23.0
7.5	13.3	19.9
7.6	11.4	17.0
7.7	9.65	14.4
7.8	8.11	12.1
7.9	6.77	10.1
8.0	5.62	8.40
8.1	4.64	6.95
8.2	3.83	5.72
8.3	3.15	4.71
8.4	2.59	3.88
8.5	2.14	3.20
8.6	1.77	2.65
8.7	1.47	2.20
8.8	1.23	1.84
8.9	1.04	1.56
9.0	0.885	1.32

\* Family of fishes ~~which~~ that includes trout

(B) The monthly average concentration of total ammonia nitrogen shall not exceed those values shown as the chronic criterion in the following tables:

**Temperature and pH-Dependent Values of the CCC (Chronic Criterion)**  
**for Fish Early Life Stages Present – mg/L**

<b><u>pH</u></b>	<b><u>Temperature °C</u></b>									
	<b><u>0</u></b>	<b><u>14</u></b>	<b><u>16</u></b>	<b><u>18</u></b>	<b><u>20</u></b>	<b><u>22</u></b>	<b><u>24</u></b>	<b><u>26</u></b>	<b><u>28</u></b>	<b><u>30</u></b>
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.3	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.7	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

Temperature and pH-Dependent Values of the CCC (Chronic Criterion)

**for Fish Early Life Stages Absent – mg/L**

<b><u>pH</u></b>	<b><u>Temperature °C</u></b>									
	<b><u>0-7</u></b>	<b><u>8</u></b>	<b><u>9</u></b>	<b><u>10</u></b>	<b><u>11</u></b>	<b><u>12</u></b>	<b><u>13</u></b>	<b><u>14</u></b>	<b><u>15*</u></b>	<b><u>16*</u></b>
6.5	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46	6.06
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36	5.97
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25	5.86
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10	5.72
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93	5.56
7.0	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73	5.37
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49	5.15
7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22	4.90
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92	4.61
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59	4.30
7.5	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23	3.97
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85	3.61
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47	3.25
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71	2.54
8.0	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36	2.21
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03	1.91
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85	1.74	1.63
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48	1.39
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25	1.17
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06	0.990
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951	0.892	0.836
8.7	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805	0.754	0.707
8.8	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684	0.641	0.601
8.9	0.917	0.860	0.806	0.756	0.709	0.664	0.623	0.584	0.548	0.513
9.0	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503	0.471	0.442

\* At 15° C and above, the criterion for fish Early Life Stage absent is the same as the criterion for fish-Early Life Stage present.

(C) The highest four-day average within a 30-day period should not exceed 2.5 times the chronic values shown above.

(D) ~~For permitted discharges, the daily maximum or seven day average permit limit shall be calculated using the four day average value described above as an instream value, after mixing and based on a season when fish early life stages are present and a season when fish early life stages are absent.~~ Temperature values used will be 14° C when fish early life stages are absent and the ecoregion temperature standard for the season when fish early life stages are present. The pH values will be the ecoregion mean value from least-disturbed stream data.

## **CHAPTER 6: EFFECTIVE DATE**

This ~~regulation~~ rule is effective ten (10) days after filing with the Secretary of State, The State Library, and the Bureau of Legislative Research.

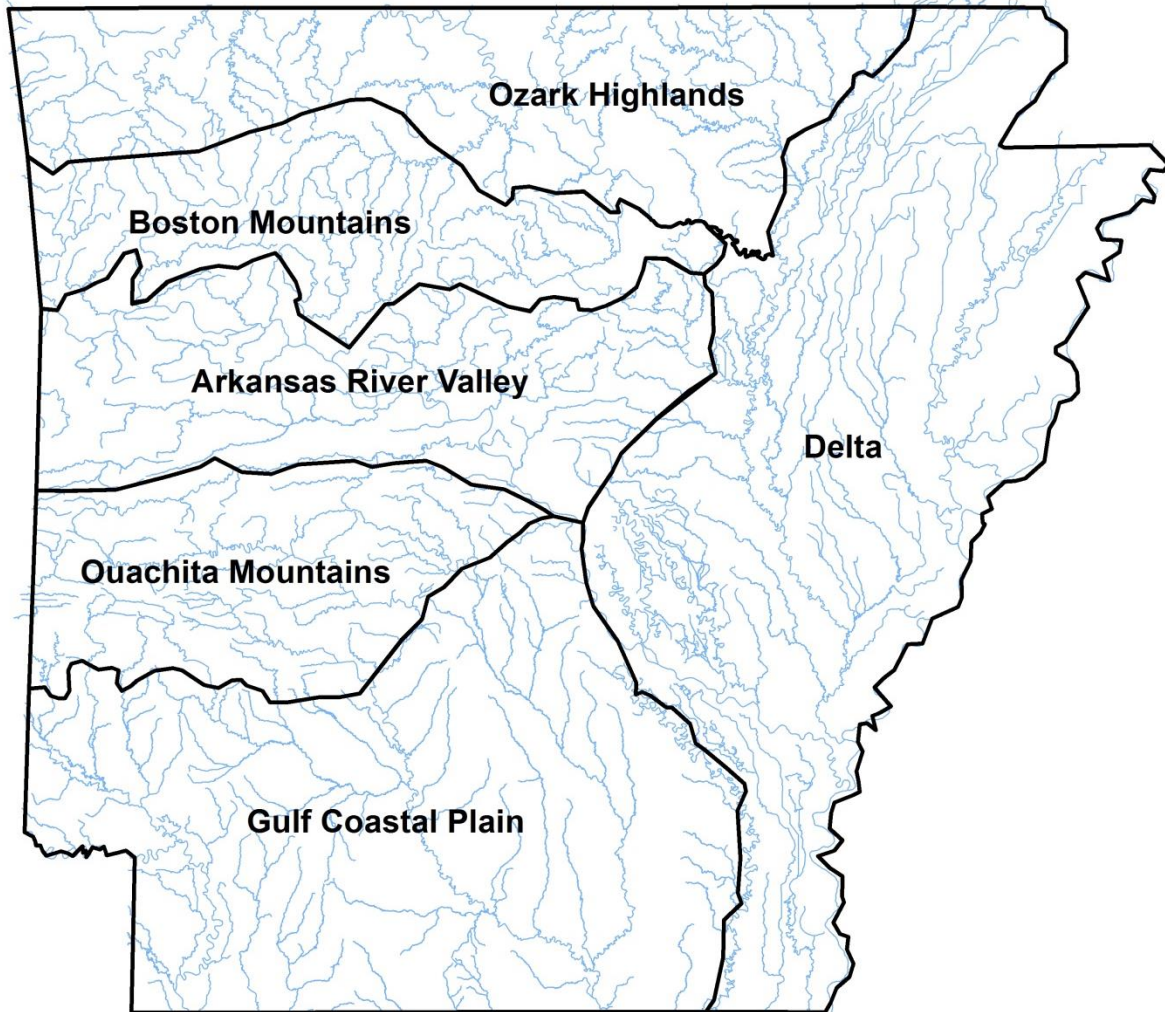


# **~~REGULATION~~ RULE NO. 2**

## **APPENDIX A**

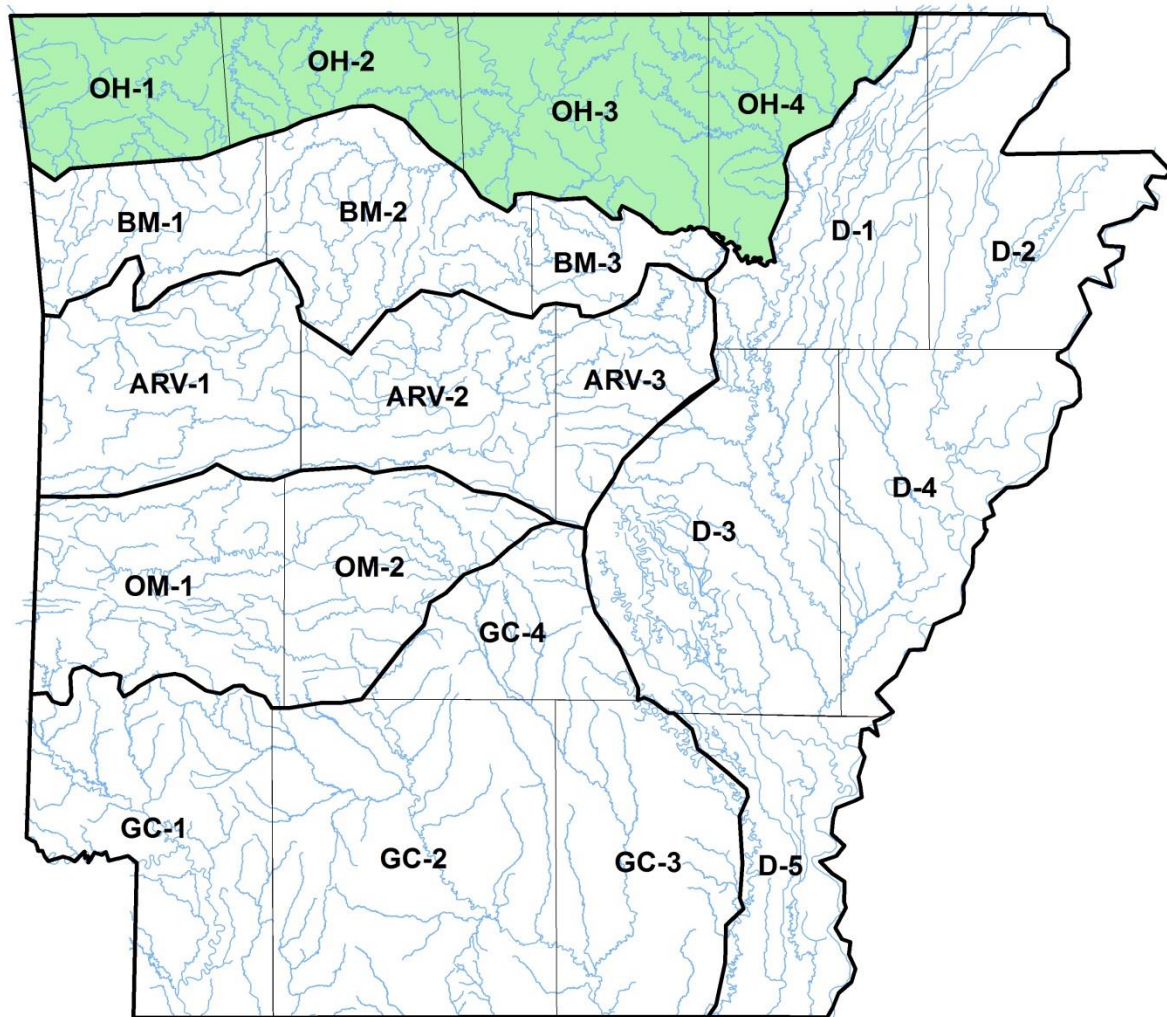
**Designated Uses, Specific Standards, and Maps of Waters of  
the State by Ecoregions**

## APPENDIX A: MAP OF ECOREGIONS OF ARKANSAS



Ozark Highlands	A-3	Ouachita Mountains	A-36 <u>23</u>
Boston Mountains	A-11 <u>6</u>	Gulf Coastal	A-45 <u>31</u>
Arkansas River Valley	A-26 <u>17</u>	Delta	A-61 <u>43</u>

# Index to Plates of the Ozark Highlands





## **DESIGNATED USES: OZARK HIGHLANDS ECOREGION**

(Plates OH-1, OH-2, OH-3, OH-4)

### **Extraordinary Resource Waters**

Current River (OH-4)

Eleven Point River (OH-4)

Strawberry River (OH-3, OH-4)

Little Strawberry River (OH-3)

Spring River, including its tributaries: Field Creek, Big Creek, English Creek, Gut Creek and Myatt Creek (OH-4)

South Fork Spring River (OH-3, OH-4)

North Sylamore Creek (OH-3)

Buffalo River (OH-2, OH-3)

Kings River (OH-2)

Bull Shoals Reservoir (OH-2, OH-3)

### **Natural and Scenic Waterways**

Strawberry River from headwaters to Sharp-Izard County Line (OH-3, OH-4)

Kings River - that segment in Madison County (OH-2)

Buffalo River (OH-2, OH-3)

North Sylamore Creek (OH-3)\*

### **Ecologically Sensitive Waterbodies**

Cave Springs Cave, Logan Cave and numerous springs and spring-fed tributaries which support southern cavefish, Ozark cavefish, Arkansas darter, least darter, Oklahoma salamander, cave snails, cave crawfish and unique invertebrates (OH-1, OH-2, OH-3)

Strawberry River - location of Strawberry River darter (OH-3, OH-4)

Little Strawberry River – location of the Strawberry River darter (OH-3)

Spring River – snuffbox and pink mucket mussels; Ozark hellbender (OH-4)

Rock Creek – snuffbox and pink mucket mussels; Ozark hellbender (OH-4)

Eleven Point River - location of Ozark hellbender (OH-4)

Current River - location of flat floater and pink mucket mussels (OH-4)

Illinois River - Neosho mucket (OH-1)

**Primary Contact Recreation** - all streams with watersheds of greater than 10 mi<sup>2</sup> and all lakes/reservoirs\*\*

**Secondary Contact Recreation** - all waters\*\*

**Domestic, Industrial and Agricultural Water Supply** - all waters\*\*

### **Aquatic Life\*\***

#### **Trout Waters**

Bull Shoals Reservoir - lower portion (OH-2)

White River from Bull Shoals Dam to Dam #3 (OH-3)

North Fork White River (OH-3)

Spring River from Mammoth Springs to South Fork Spring River (OH-4)

Upper White River from Beaver Dam to Missouri state line (OH-1)

#### **Lakes and Reservoirs** - all

#### **Streams**

Seasonal Ozark Highlands aquatic life use - all streams with watersheds of less than 10 mi<sup>2</sup> except as otherwise provided in ~~Reg-Rule~~ 2.505

Perennial Ozark Highlands aquatic life use - all streams with watersheds of 10 mi<sup>2</sup> and larger and those waters where discharges equal or exceed 1-cfs

---

\*As designated in the National Wild and Scenic Rivers System

\*\*Except for those waters with designated use variations supported by Use Attainability Analysis or other investigations.

**Site Specific Designated Use Variations Supported by Use Attainability Analysis or Other Investigations**

~~Railroad Hollow Creek—no fishable/swimmable uses (OH 1, #1)~~

~~Columbia Hollow Creek—seasonal aquatic life use March-June (OH 1, #2)~~

~~Curia Creek—below first waterfall, perennial aquatic life use (OH 4, #3)~~

~~Moccasin Creek—below Arkansas Highway 177, perennial aquatic life use (OH 3, #4)~~

~~Stennitt Creek—from Brushy Creek to Spring River, no domestic water supply use (OH 4, #6)~~

~~Town Branch—from point of discharge of the City of Huntsville WWTP downstream to the confluence with~~

~~Holman Creek, no domestic water supply use (OH 1, #9) †~~

~~Holman Creek—from the confluence with Town Branch downstream to the confluence with War Eagle Creek, no domestic water supply use (OH 1, #10) †~~

Plate	Map Inset	Waterbody	Variation
OH-1	1	Railroad Hollow Creek	No fishable/swimmable uses
OH-1	2	Columbia Hollow Creek	Seasonal aquatic life use March-June
OH-1	9	Town Branch from point of discharge of the City of Huntsville WWTP downstream to the confluence with Holman Creek	No domestic water supply use†
OH-1	10	Holman Creek from the confluence with Town Branch downstream to the confluence with War Eagle Creek	No domestic water supply use†
OH-3	4	Moccasin Creek below Arkansas Highway 177	Perennial aquatic life use
OH-4	3	Curia Creek below first waterfall	Perennial aquatic life use
OH-4	6	Stennitt Creek from Brushy Creek to Spring River	No domestic water supply use

† Not applicable for clean water act purposes until approved by EPA.

**SPECIFIC STANDARDS CRITERIA: OZARK HIGHLANDS ECOREGION**

(Plates OH-1, OH-2, OH-3, OH-4)

	<u>Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)‡	29 (84.2)	32 (89.6)
Trout <del>waters</del> <u>Waters</u>	20 (68)	
Turbidity (NTU) (base/ <del>all</del> <u>storm</u> )	10/17	25/45
<u>Trout Waters</u>	<u>10/15</u>	
Minerals	see <del>Reg-Rule</del> 2.511	see <del>Reg-Rule</del> 2.511
Dissolved Oxygen**	<u>Pri.</u> <u>Crit</u>	see <del>Reg-Rule</del> 2.505
<10 mi <sup>2</sup> watershed	6      2	
10 to 100 mi <sup>2</sup>	6      5	
>100 mi <sup>2</sup> watershed	6      6	
Trout <del>waters</del> <u>Waters</u>	6      6	

All other ~~standards~~ criteria (same as statewide)

### Site Specific Standards-Criteria Variations Supported by Use Attainability Analysis

Railroad Hollow Creek— from headwaters to Spavinaw Creek— year round dissolved oxygen = 2 mg/L (OH 1, #1)

Curia Creek— below first waterfall, critical season dissolved oxygen 6 mg/L (OH 4, #3)

Moccasin Creek— below Highway 177, critical season D.O. 5mg/L (OH 3, #4)

SWEPKO Reservoir— maximum temperature 54 °C (limitation of 2.8 °C above natural temperature does not apply) (OH 1, #5)

Stennitt Creek— from Brushy Creek to Spring River, total dissolved solids = 456 mg/L (OH 4, #6)

Crooked Creek— from Harrison WWTP outfall to ADEQ Monitoring Station WHI0193; chloride 22.6 mg/L, sulfate 24.4 mg/L; TDS 269 mg/L (OH 2, #7) †

Crooked Creek— from ADEQ Monitoring Station WHI0193 to mouth: TDS 238 mg/L (OH 3, #8) †

White River— from Noland WWTP to 0.4 miles downstream (WR-02), chloride = 44 mg/L, sulfate = 79 mg/L, TDS = 362 mg/L (OH 1, #7) †

White River— from WR-02 to WHI0052, chloride = 30 mg/L, sulfate = 40 mg/L, TDS = 237 mg/L (OH 1, #8) †

Holman Creek— from the confluence with Town Branch downstream to the confluence with War Eagle Creek: chloride = 180 mg/L, sulfate = 48 mg/L, TDS = 621 mg/L (OH 1 #10) †

Town Branch— from point of discharge of the City of Huntsville WWTP Downstream to the confluence with Holman Creek: chloride = 223 mg/L, sulfate = 61 mg/L, TDS = 779 mg/L (OH 1, #9) †

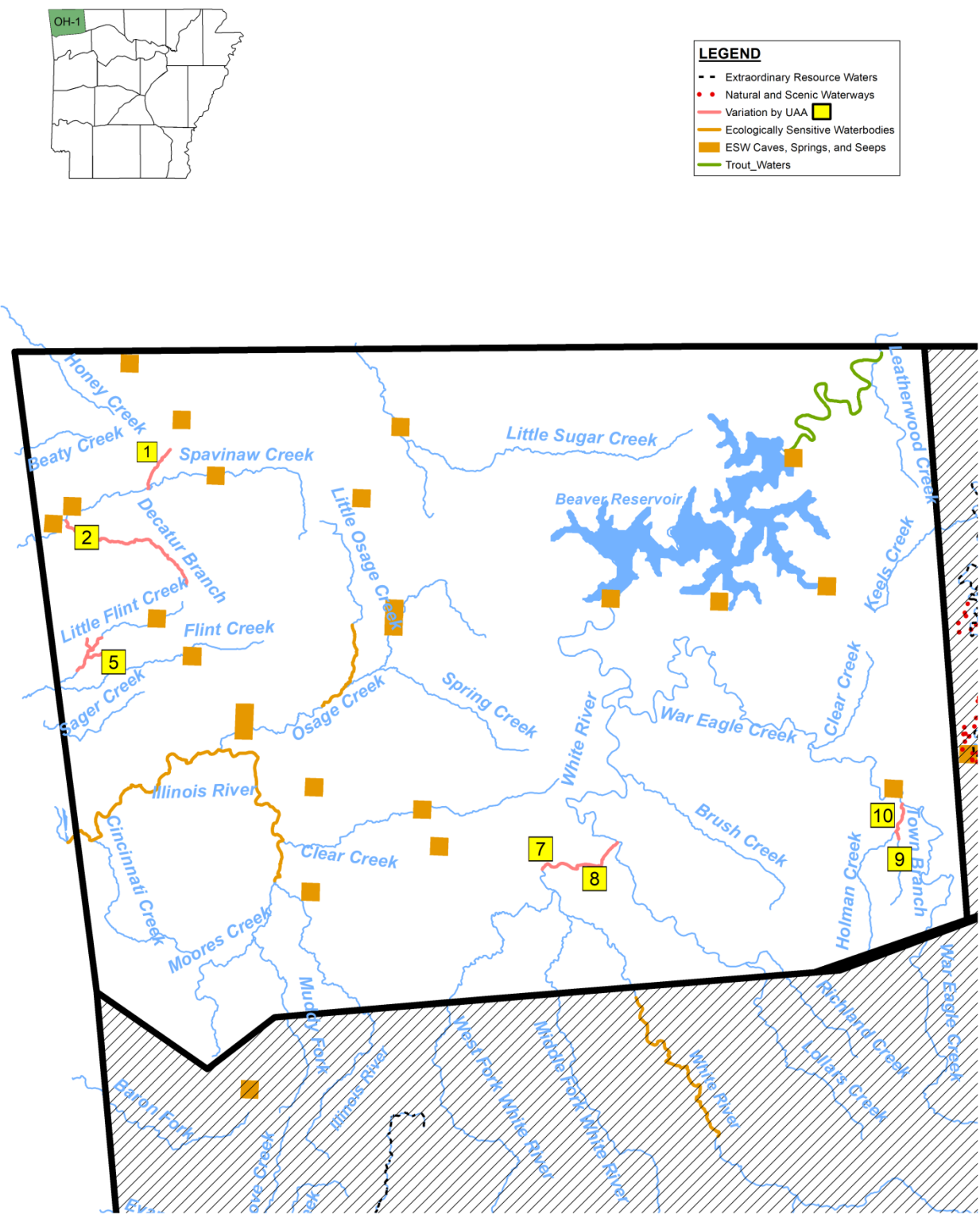
Plate	Map Inset	Waterbody	Variation
OH-1	1	Railroad Hollow Creek from headwaters to Spavinaw Creek	Year-round DO 2 mg/L
OH-1	5	SWEPKO Reservoir	Maximum temperature 54 °C (limitation of 2.8 °C above natural temperature does not apply)
OH-1	7	White River from Noland WWTP to 0.4 miles downstream (WR-02)	Chloride 44 mg/L, sulfate 79 mg/L, TDS 362 mg/L†
OH-1	8	White River from WR-02 to WHI0052	Chloride 30 mg/L, sulfate 40 mg/L, TDS 237 mg/L†
OH-1	9	Town Branch from point of discharge of the City of Huntsville WWTP Downstream to the confluence with Holman Creek	Chloride 223 mg/L, sulfate 61 mg/L, TDS 779 mg/L†
OH-1	10	Holman Creek from the confluence with Town Branch downstream to the confluence with War Eagle Creek	Chloride 180 mg/L, sulfate 48 mg/L, TDS 621 mg/L†
OH-2	7	Crooked Creek from Harrison WWTP outfall to ADEQ Monitoring Station WHI0193	Chloride 22.6 mg/L, sulfate 24.4 mg/L, TDS 269 mg/L†
OH-3	4	Moccasin Creek below Highway 177	Critical season DO 5mg/L
OH-3	8	Crooked Creek from ADEQ Monitoring Station WHI0193 to mouth	TDS 238 mg/L†
OH-4	3	Curia Creek below first waterfall	Critical season DO 6 mg/L
OH-4	6	Stennitt Creek from Brushy Creek to Spring River	TDS 456 mg/L

† Not applicable for clean water act purposes until approved by EPA.

\*Increase over natural temperatures may not be more than 2.8°C (5°F).

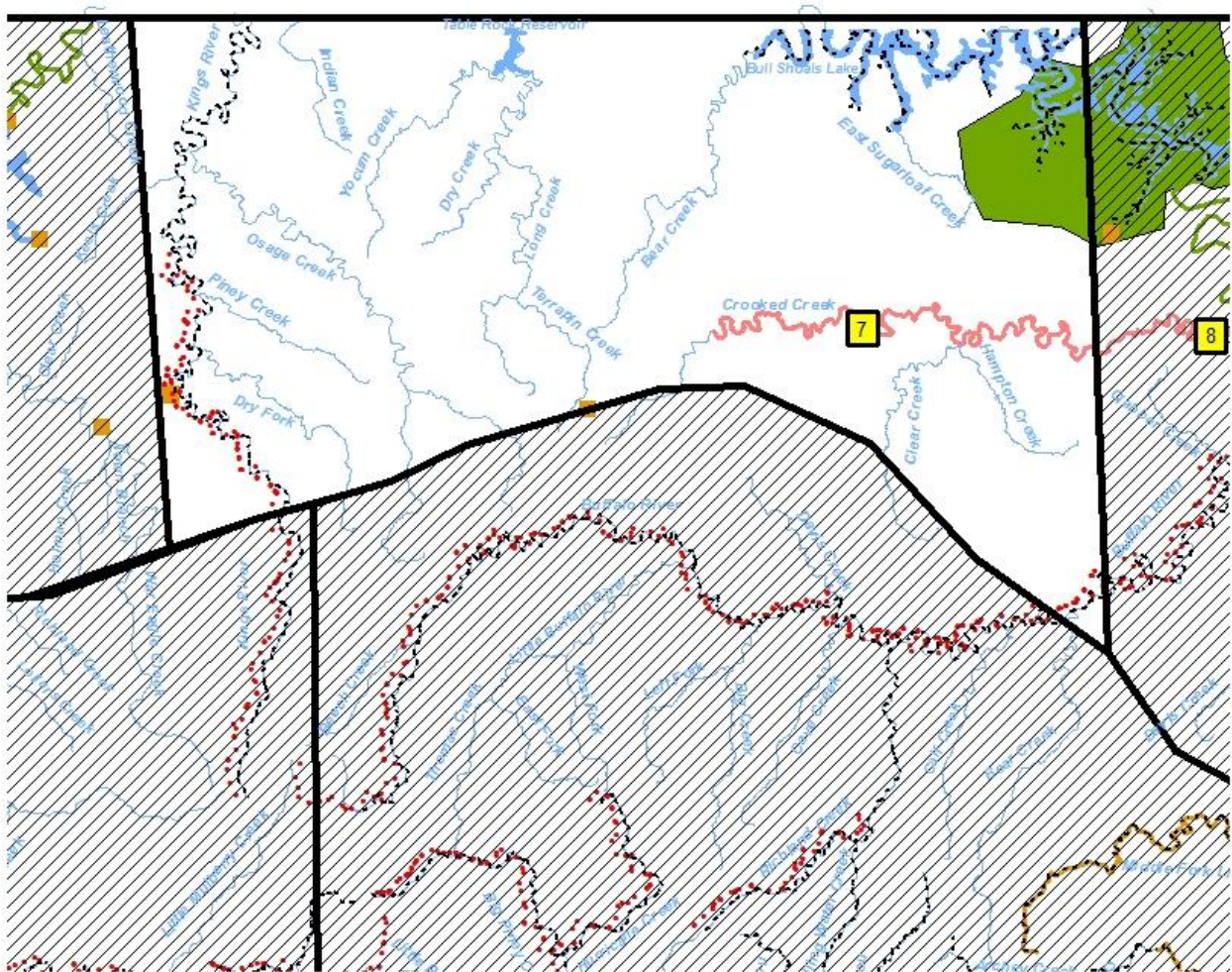
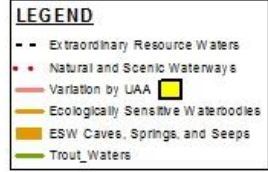
\*\*At water temperatures ≤ 10°C or during March, April and May when stream flows are 15 cfs and greater, the primary season dissolved oxygen standard will be 6.5 mg/L. When water temperatures exceed 22°C, the critical season dissolved oxygen standard may be depressed by 1 mg/L for no more than 8 hours during a 24 hour period.

# Plate OH-1 (Ozark Highlands)



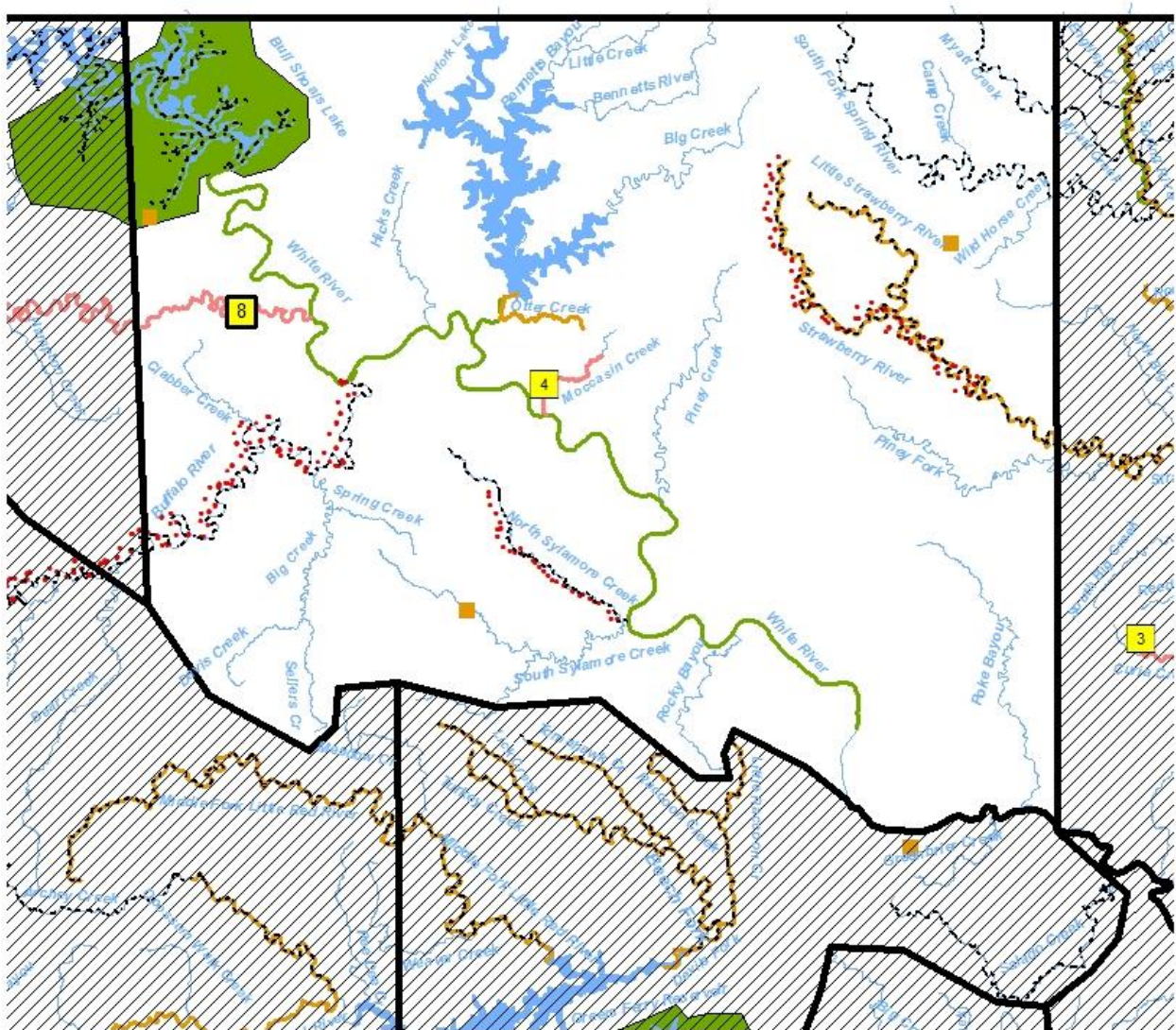
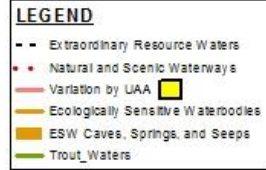


# Plate OH-2 (Ozark Highlands)



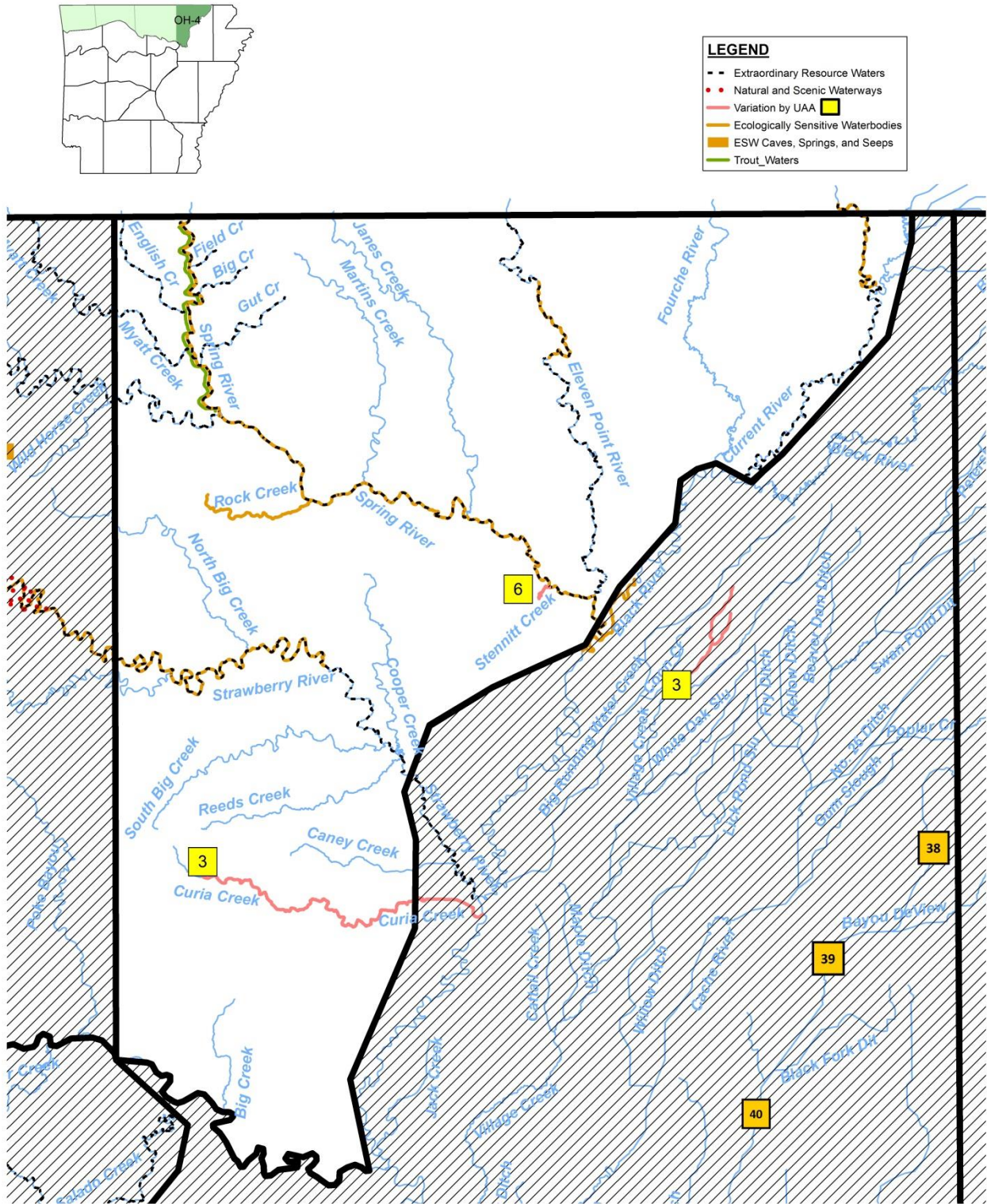


# Plate OH-3 (Ozark Highlands)

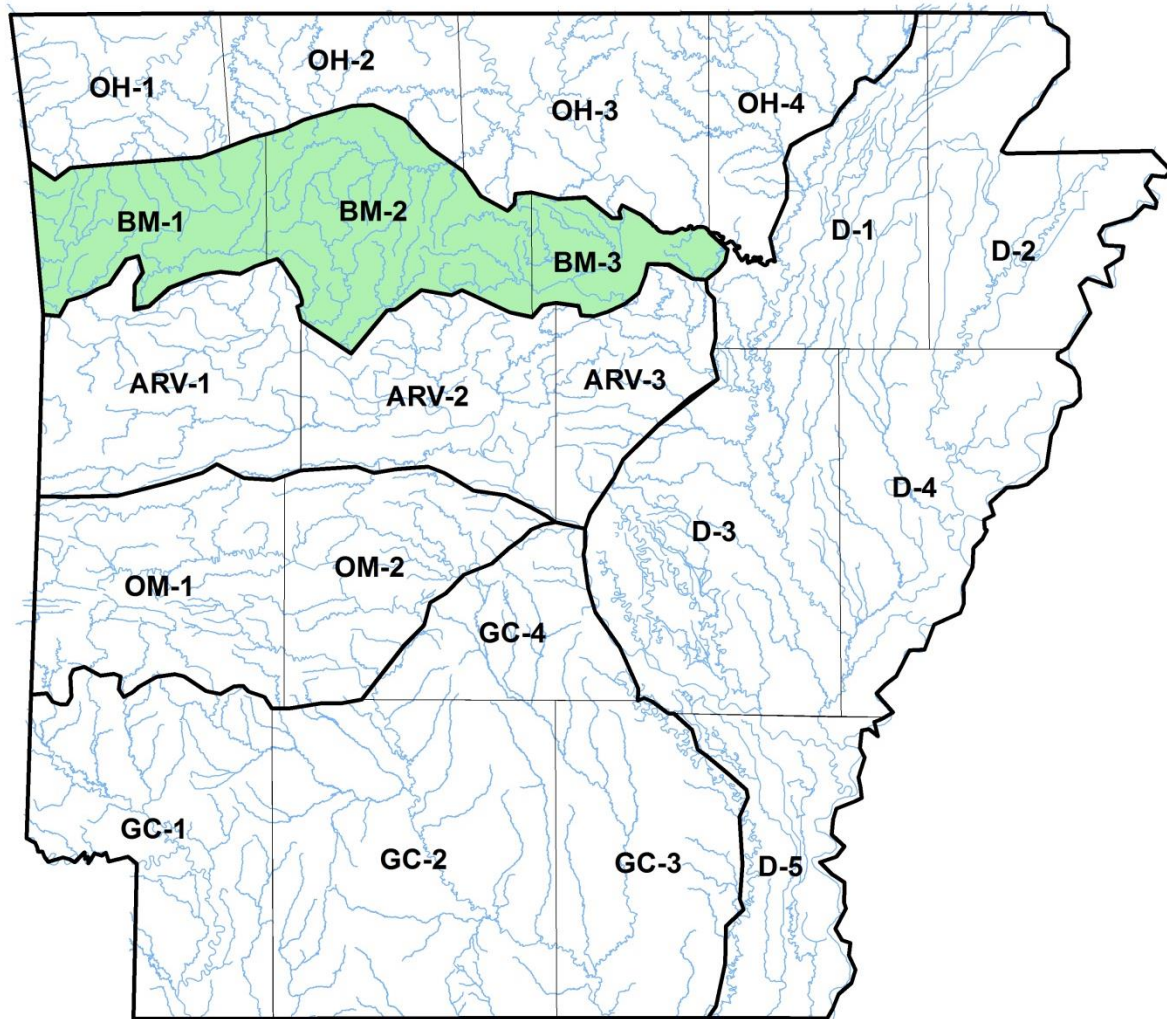




# Plate OH-4 (Ozark Highlands)



## Index to Plates of the Boston Mountains





## DESIGNATED USES: BOSTON MOUNTAINS ECOREGION

(Plates BM-1, BM-2, BM-3)

### **Extraordinary Resource Waters**

Middle and Devils Forks of the Little Red River including Beech Creek, Tomahawk Creek, Turkey Creek, Lick Creek, Raccoon Creek, and Little Raccoon Creek (BM-2, BM-3)  
Archey Creek from headwaters to confluence with South Fork Little Red River (BM-2)  
Illinois Bayou including North, Middle and East Forks (BM-2)  
Big Piney Creek (BM-2)  
Hurricane Creek (BM-2)  
Mulberry River (BM-1, BM-2)  
Lee Creek from state line upstream to headwaters (BM-1)  
Salado Creek (BM-3)  
Kings River (BM-1)  
Richland Creek and Falling Water Creek (BM-2)  
Buffalo River (BM-1, BM-2)

### **Natural and Scenic Waterways**

Mulberry River (BM-1, BM-2)  
Buffalo River (BM-1, BM-2)  
Kings River (BM-1)  
Big Piney Creek (BM-2)\*  
Hurricane Creek (BM-2)\*  
Richland Creek (BM-2)\*

### **Ecologically Sensitive Waterbodies**

Middle, South, and Devils Forks of Little Red River including Beech Creek, Tomahawk Creek, Turkey Creek, Lick Creek, Raccoon Creek, Little Raccoon Creek, and Archey Creek above Greers Ferry Reservoir - location of endemic yellowcheek darter and endangered speckled pocketbook mussel (except Devils Fork) (BM-2, BM-3)  
Foshee Cave - location of aquatic cave snail (BM-3)  
Upper White River - location of longnose darter (BM-1)

**Primary Contact Recreation** - all streams with watersheds of greater than 10 mi<sup>2</sup> and all lakes/reservoirs\*\*

**Secondary Contact Recreation** - all waters\*\*

**Domestic, Industrial and Agricultural Water Supply** - all waters\*\*

### **Aquatic Life\*\***

#### **Trout Waters**

Greers Ferry Reservoir below Narrows (BM-3)  
Little Red River below Greers Ferry Dam (BM-3)

**Lakes and Reservoirs – all**

---

\*As designated in the National Wild and Scenic Rivers System

\*\* Except for those waters with designated use variations supported by Use Attainability Analysis or other investigations.

**Streams**

Seasonal Boston Mountain aquatic life- all waters with watersheds of less than 10 mi<sup>2</sup> except as otherwise provided in ~~Reg. Rule~~ 2.505

Perennial Boston Mountain aquatic life- all waters with 10 mi<sup>2</sup> watershed or larger and those waters where discharges equal or exceed 1 cfs

**Use Variations Supported by Use Attainability Analysis**

None

**SPECIFIC STANDARDS CRITERIA: BOSTON MOUNTAINS ECOREGION**

(Plates BM-1, BM-2, BM-3)

	<b><u>Streams</u></b>	<b><u>Lakes and Reservoirs</u></b>
Temperature °C (°F)‡	31 (87.8)	32 (89.6)
Trout <del>waters</del> <u>Waters</u>	20 (68)	
Turbidity (NTU) (base/ <del>all storm</del> <u>Trout Waters</u> )	10/19 <u>10/15</u>	25/45
Minerals	see <del>Reg. Rule</del> 2.511	see <del>Reg. Rule</del> 2.511
Dissolved Oxygen (mg/L) **	<u>Pri.</u> <u>Crit</u>	see <del>Reg. Rule</del> 2.505
<10 mi <sup>2</sup> watershed	6      2	
10 mi <sup>2</sup> and greater	6      6	
Trout <del>waters</del> <u>Waters</u>	6      6	
All other <del>standards</del> <u>criteria</u>	(same as statewide)	

**Site Specific Standards Criteria Variations Supported by Use Attainability Analysis**

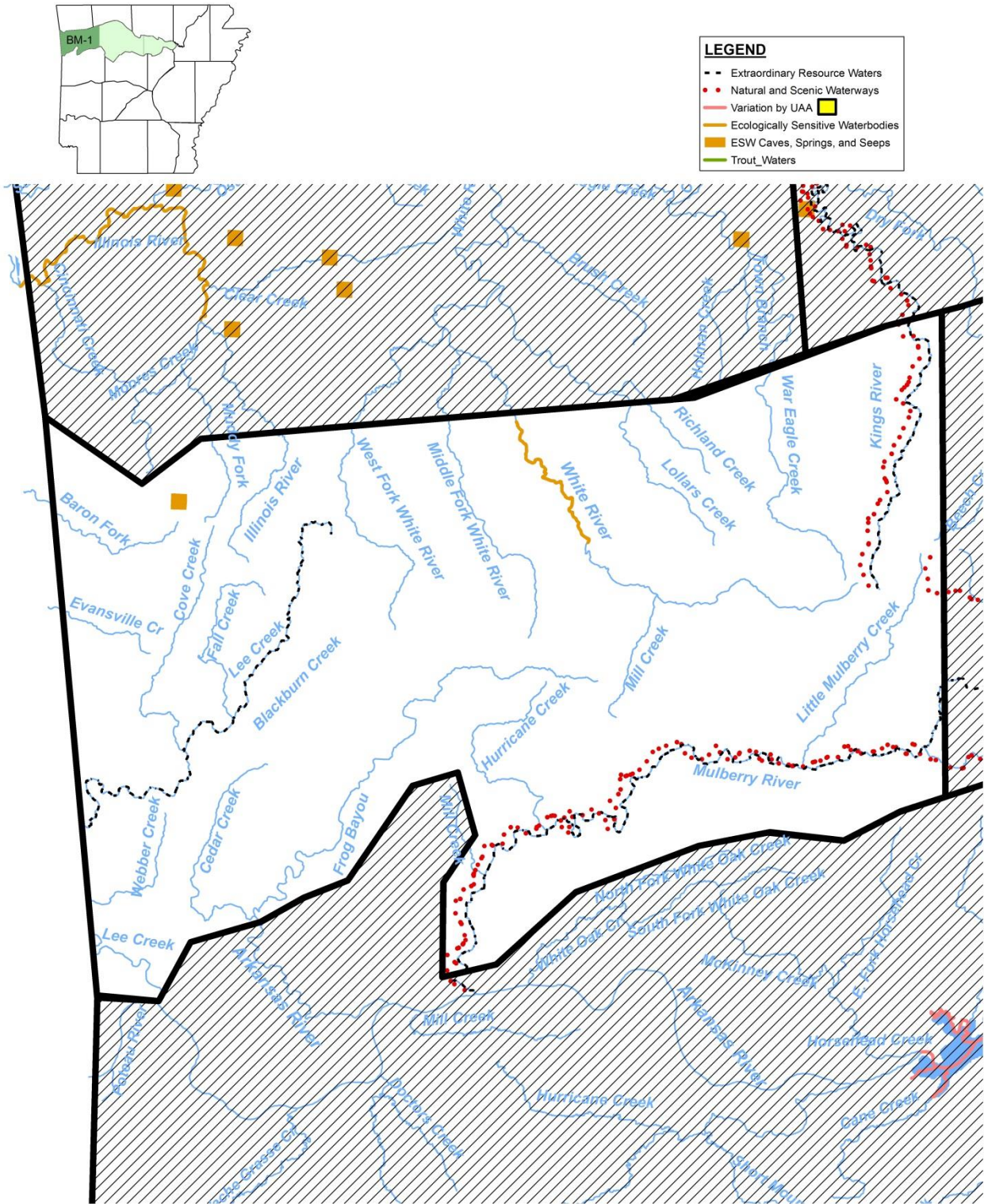
None

---

~~\*Increase over natural temperatures may not be more than 2.8°C (5°F).~~

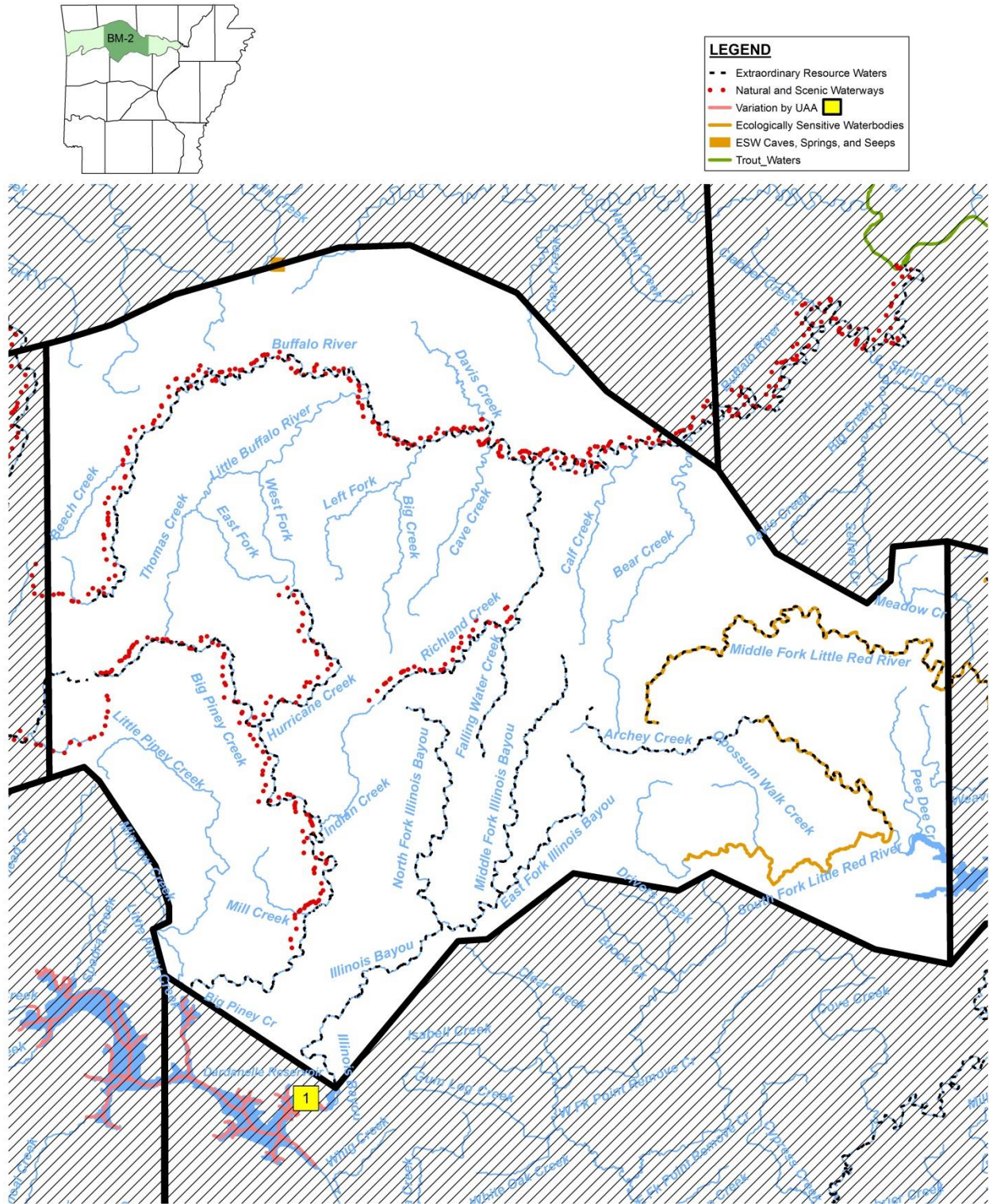
~~\*\*At water temperatures ≤ 10°C or during March, April and May when stream flows are 15 cfs and greater, the primary season dissolved oxygen standard criteria will be 6.5 mg/L. When water temperatures exceed 22°C, the critical season dissolved oxygen standard criteria may be depressed by 1 mg/L for no more than 8 hours during a 24-hour period.~~

# Plate BM-1 (Boston Mountains)



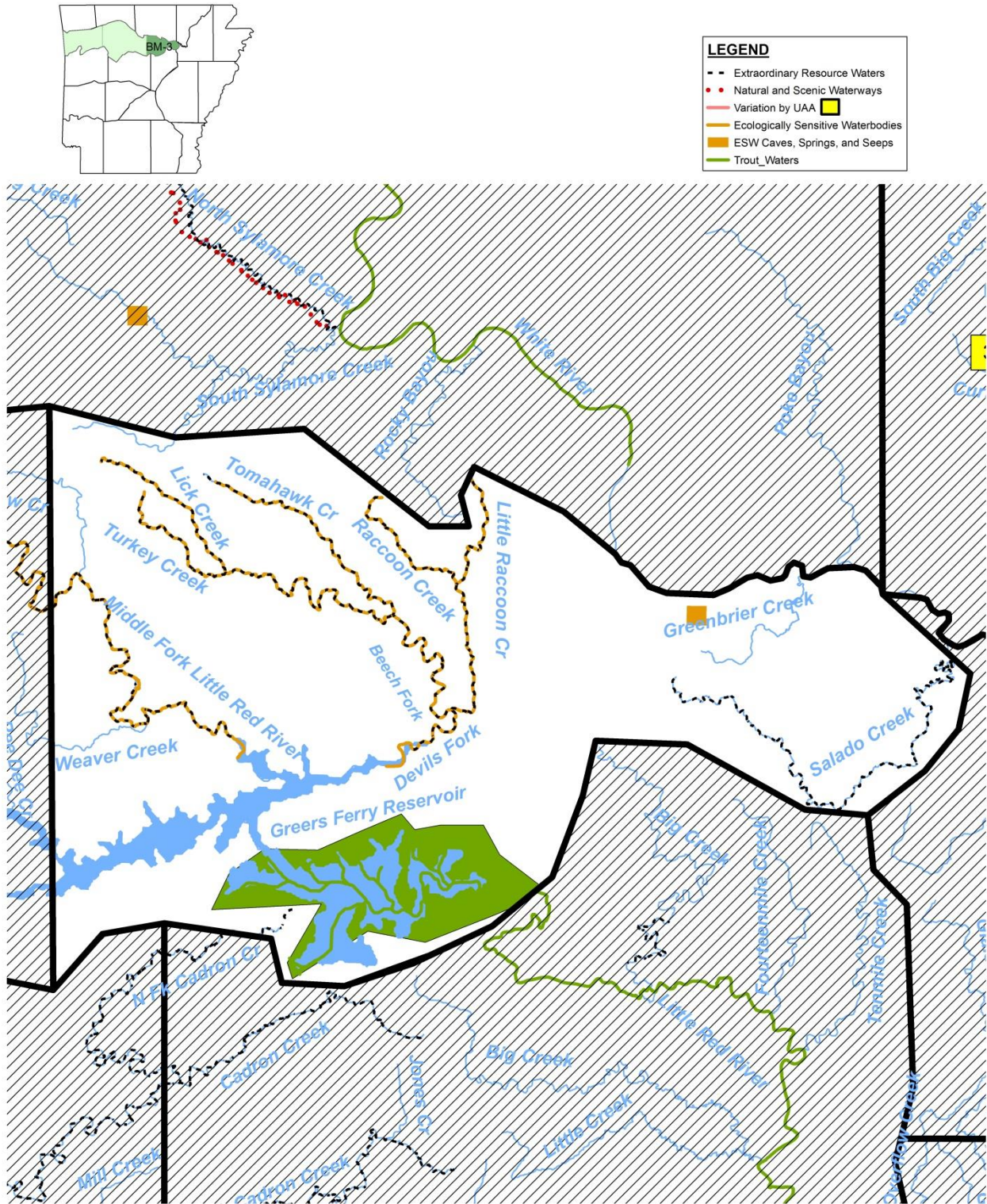


# Plate BM-2 (Boston Mountains)

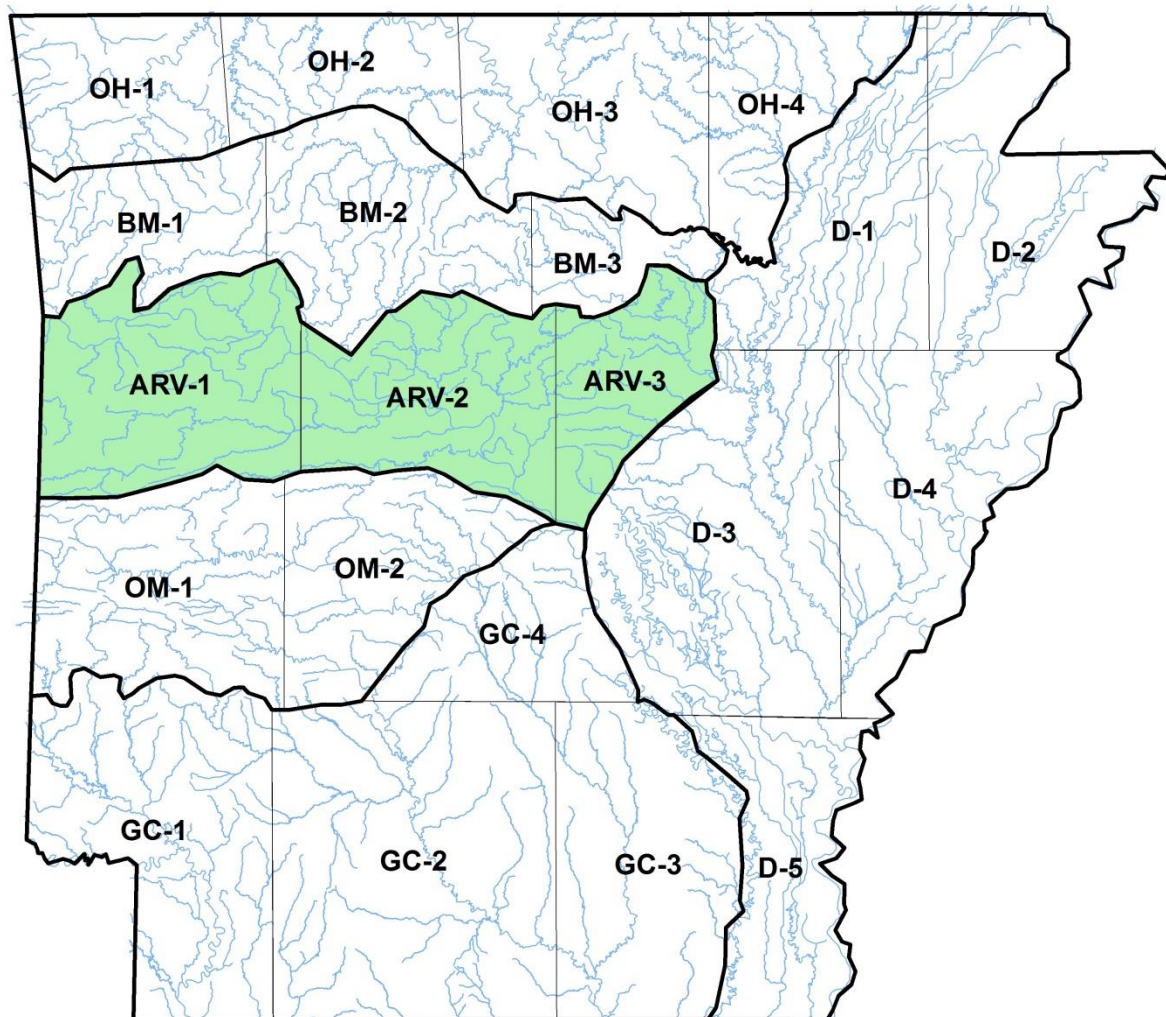




# Plate BM-3 (Boston Mountains)



## Index to Plates of the Arkansas River Valley





## DESIGNATED USES: ARKANSAS RIVER VALLEY ECOREGION

(Plates ARV-1, ARV-2, ARV-3)

### **Extraordinary Resource Waters**

Cadron Creek including North Fork and East Fork (ARV-2, ARV-3)

Mulberry River (ARV-1)

Big Creek adjacent to natural areas (ARV-3)

### **Natural and Scenic Waterway**

Mulberry River (ARV-1)

### **Ecologically Sensitive Waterbodies**

None

**Primary Contact Recreation** - all streams with watersheds of greater than 10 mi<sup>2</sup> and all lakes/reservoirs\*\*

**Secondary Contact Recreation** - all waters\*\*

**Domestic, Industrial and Agricultural Water Supply** - all waters\*\*

### **Aquatic Life\*\***

#### **Trout Waters**

Little Red River below Greers Ferry Dam to Searcy (ARV-3)

**Lakes and Reservoirs** - all

#### **Streams**

Seasonal Arkansas River Valley aquatic life use - all streams with watersheds of less than 10 mi<sup>2</sup> except as otherwise provided in ~~Reg.~~Rule 2.505

Perennial Arkansas River Valley aquatic life - all streams with watersheds of 10 mi<sup>2</sup> or larger and those waters where discharges equal or exceed 1 cfs

### **Site Specific Designated Use Variations Supported by Use Attainability Analysis**

~~Poteau River from U.S. Business Highway 71 to Oklahoma state line — no domestic water supply use (ARV-1, #2 and #4)~~

~~Unnamed tributary to Poteau River at Waldron — no domestic water supply use (ARV-1, #3)~~

Plate	Map Inset	Waterbody	Variation
ARV-1	2 & 4	Poteau River from U.S. Business Highway 71 to Oklahoma state line	No domestic water supply use
ARV-1	3	Unnamed tributary to Poteau River at Waldron	No domestic water supply use

\*\*Except for those waters with designated use variations supported by Use Attainability Analysis or other investigations.

## SPECIFIC STANDARDS CRITERIA: ARKANSAS RIVER VALLEY ECOREGION

(Plates ARV-1, ARV-2, ARV-3)

	<u>Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)‡	31 (87.8)	32 (89.6)
Trout <del>waters</del> <u>Waters</u>	20 (68)	
Arkansas River	32 (89.6)	
Turbidity (NTU) (base/ <del>all</del> <u>storm</u> )	21/40	25/45
Arkansas River ( <del>base/all</del> )	50/52	
<u>Trout Waters</u>	<u>10/15</u>	
Minerals	see <del>Reg.</del> <u>Rule</u> 2.511	see <del>Reg.</del> <u>Rule</u> 2.511
Dissolved Oxygen (mg/L)‡‡	<u>Pri.</u> <u>Crit.</u>	see <del>Reg.</del> <u>Rule</u> 2.505
<10 mi <sup>2</sup> watershed	5          2	
10 to 150 mi <sup>2</sup>	5          3	
151 mi <sup>2</sup> to 400 mi <sup>2</sup>	5          4	
>400 mi <sup>2</sup> watershed	5          5	
Trout waters	6          6	

All other ~~standards~~ criteria (same as statewide)

### Site Specific Standards Criteria Variations Supported by Use Attainability Analysis

~~Dardanelle Reservoir – maximum temperature 35°C (95°F) (limitation of 2.8°C above natural temperature does not apply) (ARV-2, #1)~~

~~Poteau River from Scott County Road 59 to Oklahoma state line – chlorides 120 mg/L; sulfates 60 mg/L; TDS 500 mg/L (ARV-1, #2)~~

~~Poteau River from confluence with Unnamed tributary to Scott County Road 59 – chlorides 185 mg/L; sulfates 200 mg/L; TDS 786 mg/L (ARV-1, #4) †~~

~~Unnamed tributary from Tyson-Waldron Outfall 001 to confluence with the Poteau River – chlorides 180 mg/L; sulfates 200 mg/L; TDS 870 mg/L (ARV-1, #3) †~~

Plate	Map Inset	Waterbody	Variation
ARV-2	1	Dardanelle Reservoir	Maximum temperature 35°C (95°F) (limitation of 2.8°C above natural temperature does not apply)
ARV-1	2	Poteau River from Scott County Road 59 to Oklahoma state line	Chlorides 120 mg/L, sulfates 60 mg/L, TDS 500 mg/L
ARV-1	4	Poteau River from confluence with Unnamed tributary to Scott County Road 59	Chlorides 185 mg/L, sulfates 200 mg/L, TDS 786 mg/L†
ARV-1	3	Unnamed tributary from Tyson-Waldron Outfall 001 to confluence with the Poteau River	Chlorides 180 mg/L, sulfates 200 mg/L, TDS 870 mg/L†

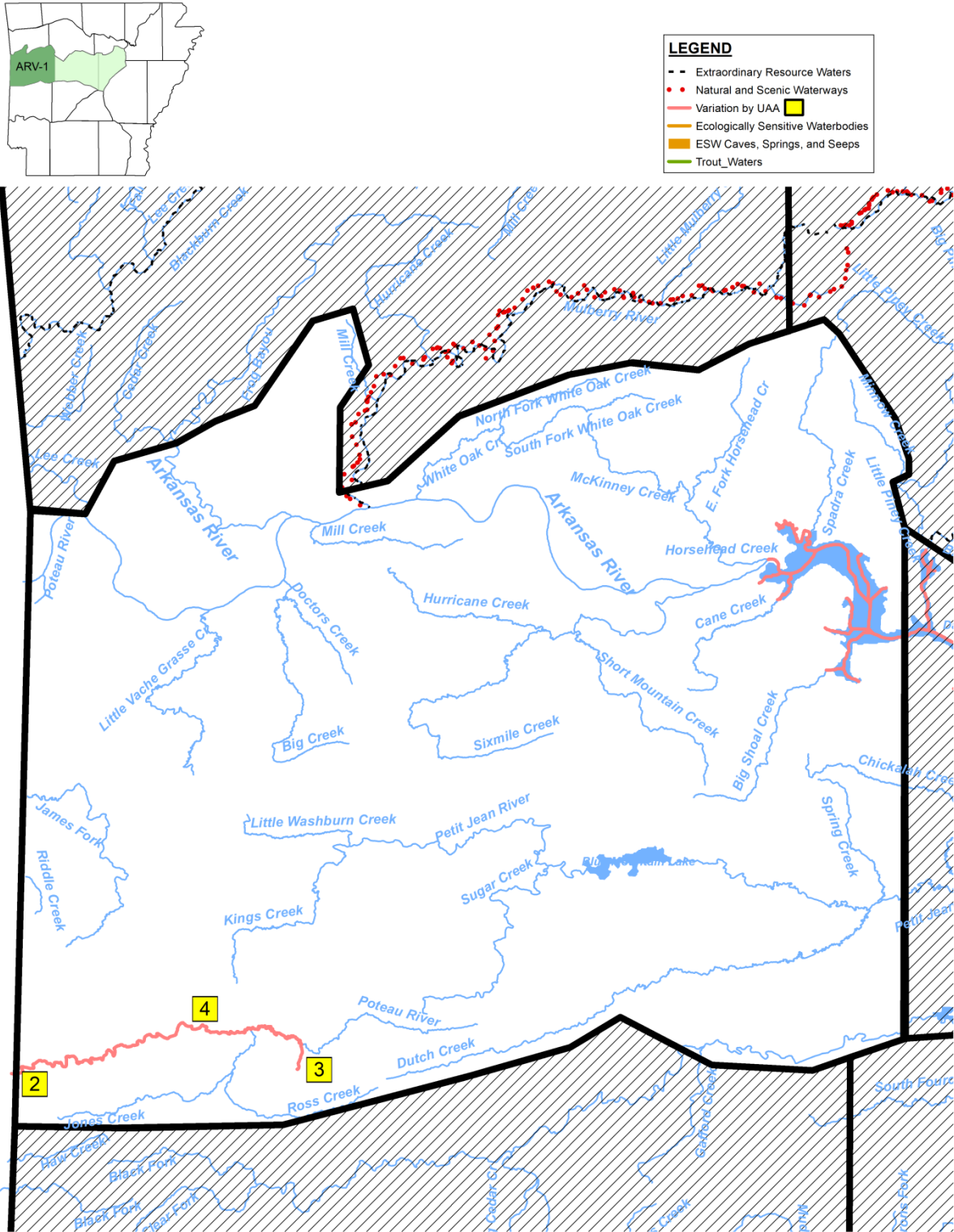
† Not applicable for clean water act purposes until approved by EPA.



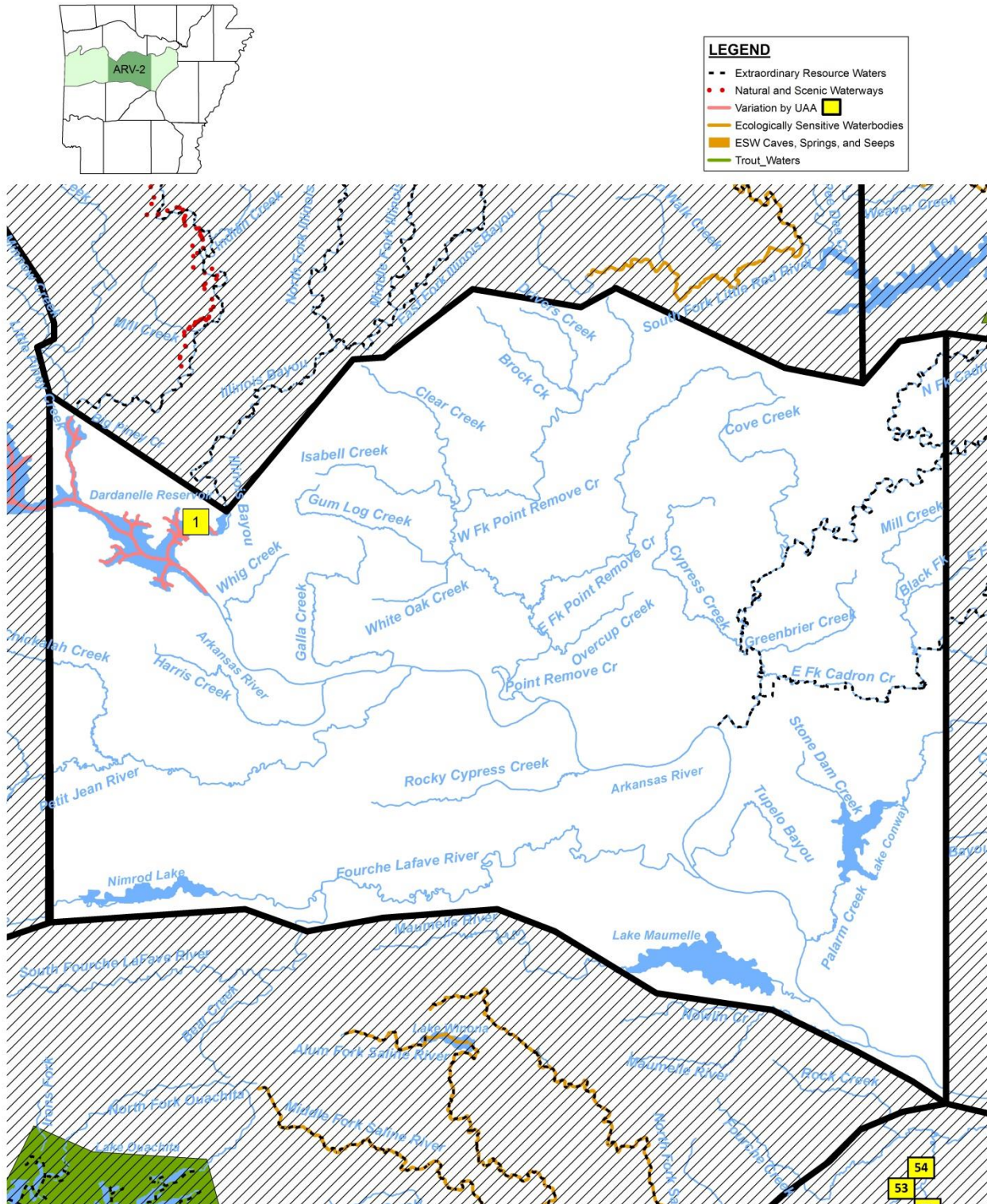
~~\*Increase over natural temperatures may not be more than 2.8°C (5°F).~~

~~\*\*At water temperatures  $\leq 10^{\circ}\text{C}$  or during March, April and May when stream flows are 15 cfs and greater, the primary season dissolved oxygen standard criteria will be 6.5 mg/L. When water temperatures exceed  $22^{\circ}\text{C}$ , the critical season dissolved oxygen standard criteria may be depressed by 1 mg/L for no more than 8 hours during a 24-hour period.~~

# Plate ARV-1 (Arkansas River Valley)

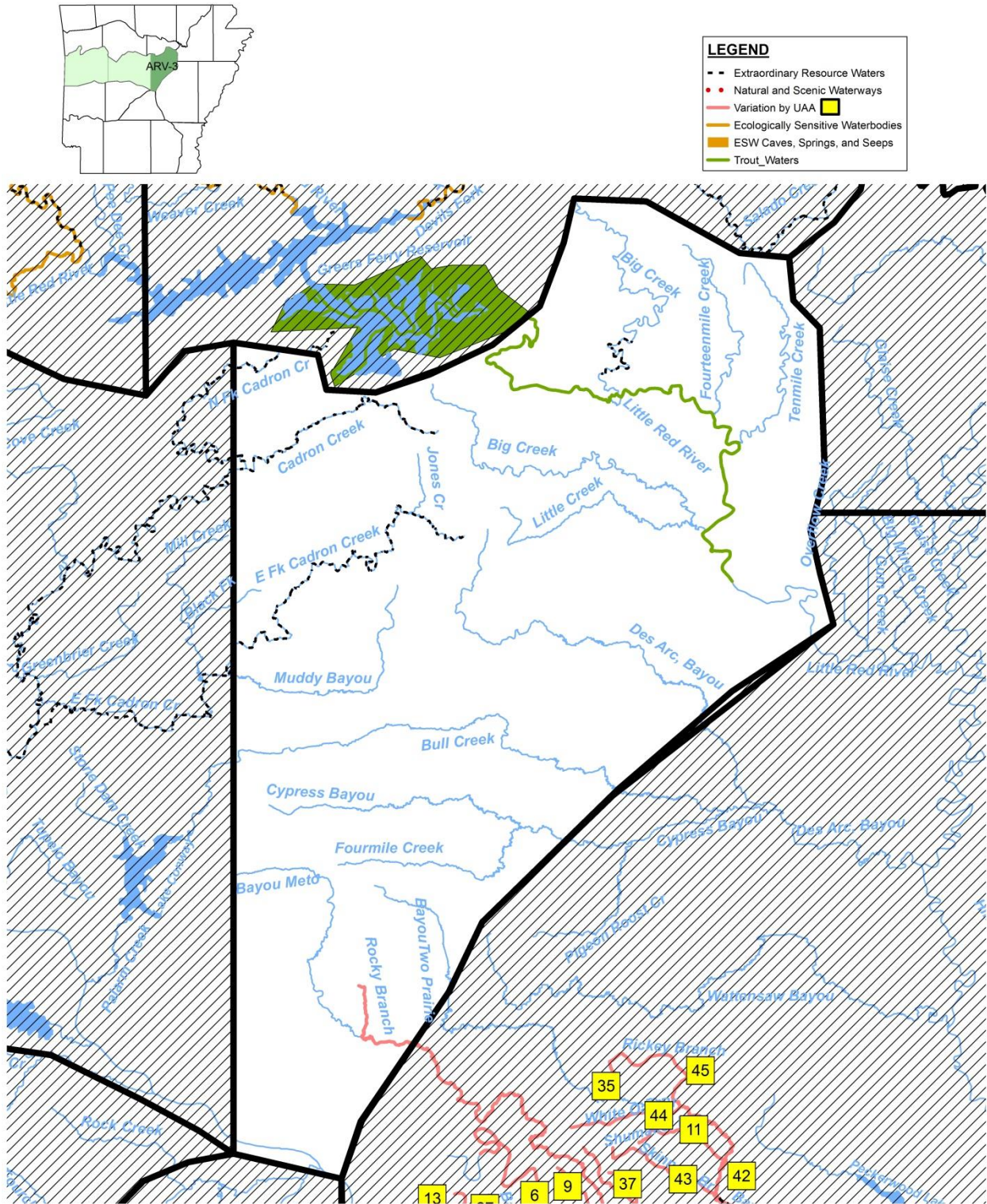


# Plate ARV-2 (Arkansas River Valley)

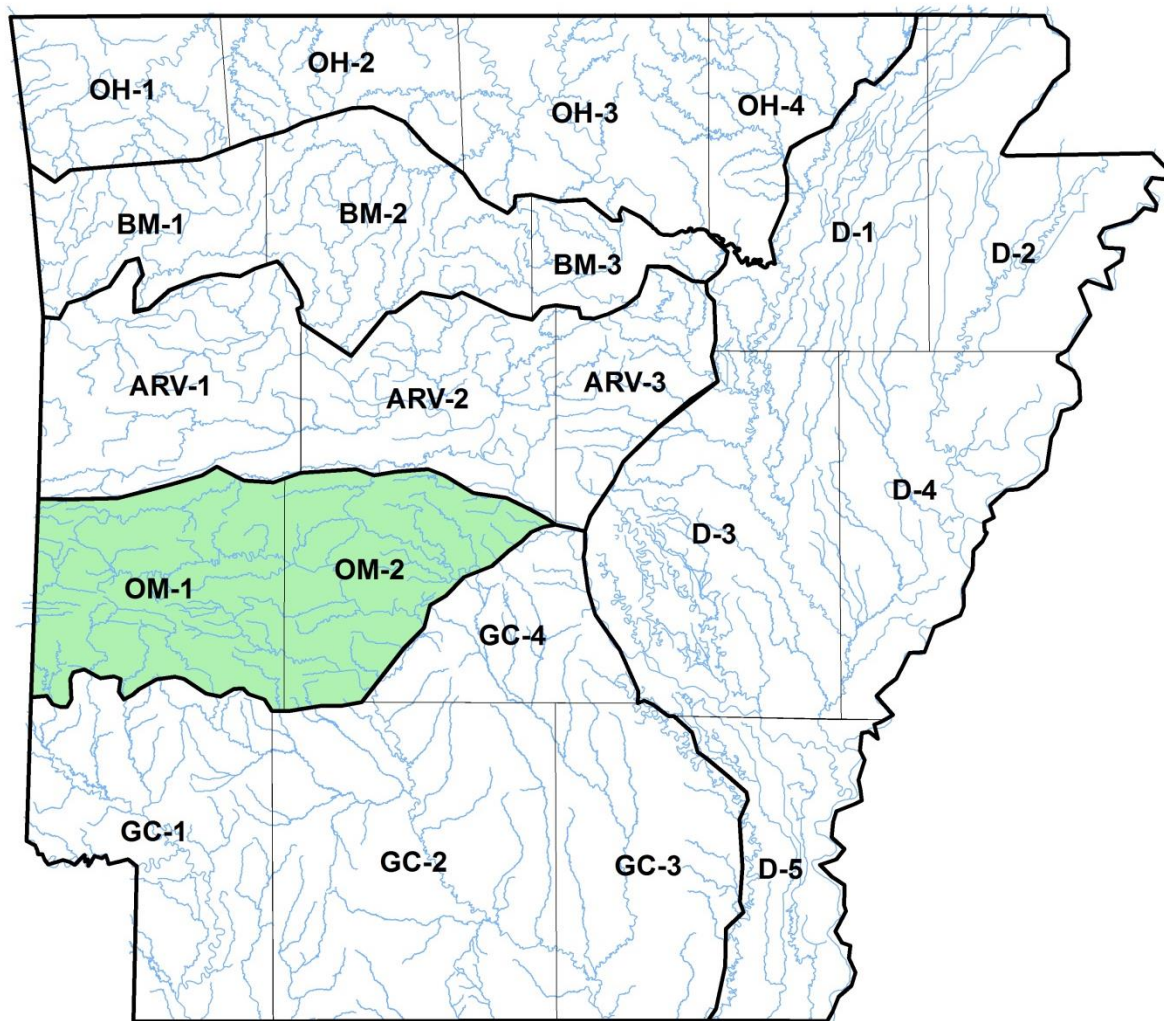




# Plate ARV-3 (Arkansas River Valley)



## Index to Plates of the Ouachita Mountains





## DESIGNATED USES: OUACHITA MOUNTAIN ECOREGION

(Plates OM-1, OM-2)

### **Extraordinary Resource Waters**

Lake Ouachita (OM-1, OM-2)

DeGray Reservoir (OM-2)

Saline River - entire segment including North, Alum, Middle and South Forks (OM-2)

Caddo River - above DeGray Reservoir (OM-1, OM-2)

South Fork Caddo River (OM-1)

Cossatot River - above Gillham Reservoir (OM-1)

Caney Creek (OM-1)

Little Missouri River - above Lake Greeson (OM-1)

Mountain Fork River (OM-1)

Big Fork Creek - adjacent to natural area (OM-1)

### **Natural and Scenic Waterway**

Cossatot River above Gillham Reservoir (OM-1)

Little Missouri River above Lake Greeson (OM-1)

Brushy Creek (OM-1)\*

### **Ecologically Sensitive Waterbodies**

Ouachita River above Lake Ouachita - location of Caddo madtom, longnose darter, peppered shiner and threatened Arkansas fatmucket Mussel (OM-1)

South Fork Ouachita River - location of Arkansas fatmucket mussel and Caddo madtom (OM-1)

Caddo River and all tributaries above DeGray Reservoir - location of endemic paleback darter, Caddo madtom and threatened Arkansas fatmucket ~~Mussel-mussel~~ (OM-1, OM-2)

Mountain Fork River - location of threatened leopard darter (OM-1)

Cossatot River above Gillham Reservoir - location of threatened leopard darter (OM-1)

Saline River including Alum, Middle, North and South Forks, and Ten Mile Creek - location of endemic Ouachita madtom and threatened Arkansas fatmucket ~~Mussel-mussel~~ (except South fork and Ten Mile Creek) (OM-2)

Little Missouri River above Lake Greeson - location of Caddo madtom

Mayberry Creek (tributary to Hallman's Creek) - location of paleback darter (OM-2)

Robinson Creek - location of threatened leopard darter (OM-1)

**Primary Contact Recreation** - all streams with watersheds of greater than 10 mi<sup>2</sup> and all lakes/reservoirs\*\*

**Secondary Contact Recreation** - all waters\*\*

**Domestic, Industrial and Agricultural Water Supply** - all waters\*\*

### **Aquatic Life\*\***

#### **Trout Waters**

Lake Ouachita (lower portion) (OM-2)

Ouachita River from Blakely Mt. Dam to Hwy. 270 bridge (OM-2)

**Lakes and Reservoirs – all**

\*As designated in the National Wild and Scenic Rivers System

\*\*Except for those waters with designated use variations supported by Use Attainability Analysis or other investigations.

## **Aquatic Life\*\***

### **Streams**

Seasonal Ouachita Mountain Ecoregion aquatic life - all streams with watersheds of less than 10 mi<sup>2</sup> except as otherwise provided in ~~Reg. Rule~~ 2.505

Perennial Ouachita Mountain Ecoregion aquatic life - all streams with watershed of 10 mi<sup>2</sup> or larger and those waters where discharges equal or exceed 1cfs

### **Site Specific Designated Use Variations Supported by Use Attainability Analysis**

~~Rolling Fork from unnamed trib. A at Grannis to DeQueen Reservoir — no domestic water supply use (OM 1, #2)~~

~~Unnamed tributaries A and A1 at Grannis — no domestic water supply use (OM 1, #3)~~

Plate	Map Inset	Waterbody	Variation
OM-1	2	Rolling Fork from unnamed tributary A at Grannis to DeQueen Reservoir	No domestic water supply use
OM-1	3	Unnamed tributaries A and A1 at Grannis	No domestic water supply use

\*\*Except for those waters with designated use variations supported by Use Attainability Analysis or other investigations.

## SPECIFIC STANDARDS CRITERIA: OUACHITA MOUNTAIN ECOREGION

(Plates OM-1, OM-2)

	<u>Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)‡	30 (86)	32 (89.6)
Trout <del>waters</del> <u>Waters</u>	20 (68)	
Turbidity (NTU) (base/ <del>all</del> <u>storm</u> )	10/18	25/45
<u>Trout Waters</u>	<u>10/15</u>	
Minerals	see <u>Reg-Rule</u> 2.511	see <u>Reg-Rule</u> 2.511
Dissolved Oxygen (mg/L) **	<u>Pri.</u> <u>Crit</u>	see <u>Reg-Rule</u> 2.505
<10 mi <sup>2</sup> watershed	6          2	
10 mi <sup>2</sup> and greater	6          6	
Trout <del>waters</del> <u>Waters</u>	6          6	
All other <del>standards</del> <u>criteria</u>	(same as statewide)	

### Site Specific StandardsCriteria Variations Supported by Use Attainability Analysis

~~Prairie Creek: from headwaters to confluence with Briar Creek, critical season dissolved oxygen—4 mg/L (OM 1, #1)~~  
~~Rolling Fork from unnamed tributary A to DeQueen Reservoir—chlorides 130 mg/L; sulfates—70 mg/L; total dissolved solids—670 mg/L (OM 1, #2)~~  
~~Unnamed tributaries A and A1 at Grannis—chlorides—135 mg/L; sulfates—70 mg/L; total dissolved solids—700 mg/L (OM 1, #3)~~  
~~South Fork Caddo River—sulfates 60 mg/L (OM 1, #4)~~  
~~Back Valley Creek—sulfates 250 mg/L; total dissolved solids 500 mg/L (OM 1, #5)~~  
~~Wilson Creek from a point approximately 0.85 mile upstream of Outfall 001 to UMETCO Outfall 001—chlorides 56 mg/L; sulfates 250 mg/L; total dissolved solids 500 mg/L (OM 2, #6)~~  
~~Wilson Creek downstream of UMETCO Outfall 001 to its mouth—chlorides 56 mg/L; sulfates 250 mg/L; total dissolved solids 500 mg/L (OM 2, #7)~~

Plate	Map Inset	Waterbody	Variation
OM-1	1	Prairie Creek: from headwaters to confluence with Briar Creek	Critical season DO 4 mg/L
OM-1	2	Rolling Fork from unnamed tributary A to DeQueen Reservoir	Chlorides 130 mg/L, sulfates 70 mg/L, TDS 670 mg/L
OM-1	3	Unnamed tributaries A and A1 at Grannis	Chlorides 135 mg/L, sulfates 70 mg/L, TDS 700 mg/L
OM-1	4	South Fork Caddo River	Sulfates 60 mg/L
OM-1	5	Back Valley Creek	Sulfates 250 mg/L, TDS 500 mg/L
OM-2	6	Wilson Creek from a point approximately 0.85 mile upstream of Outfall 001 to UMETCO Outfall 001	Chlorides 56 mg/L, sulfates 250 mg/L, TDS 500 mg/L
OM-2	7	Wilson Creek downstream of UMETCO Outfall 001 to its mouth	Chlorides 56 mg/L, sulfates 250 mg/L, TDS 500 mg/L



~~\*Increase over natural temperatures may not be more than 2.8°C (5°F).~~

~~\*\*At water temperatures  $\leq 10^{\circ}\text{C}$  or during March, April and May when stream flows are 15 cfs and greater, the primary season dissolved oxygen standard will be 6.5 mg/L. When water temperatures exceed  $22^{\circ}\text{C}$ , the critical season dissolved oxygen standard may be depressed by 1 mg/L for no more than 8 hours during a 24 hour period.~~

### **Temporary Variations Supported by Environmental Improvement Project**

~~Chamberlain Creek from headwaters to confluence with Cove Creek—sulfates 1,384 mg/L; total dissolved solids 2,261 mg/L; chlorides 68 mg/L (OM 2, #1)†~~

~~Cove Creek from the confluence with Chamberlain Creek to the Ouachita River—sulfates 250 mg/L; total dissolved solids 500 mg/L (OM 2, #2)†~~

~~Lucinda Creek from the confluence of Rusher Creek to the confluence with Cove Creek—sulfates 250 mg/L; total dissolved solids 500 mg/L (OM 2, #3)†~~

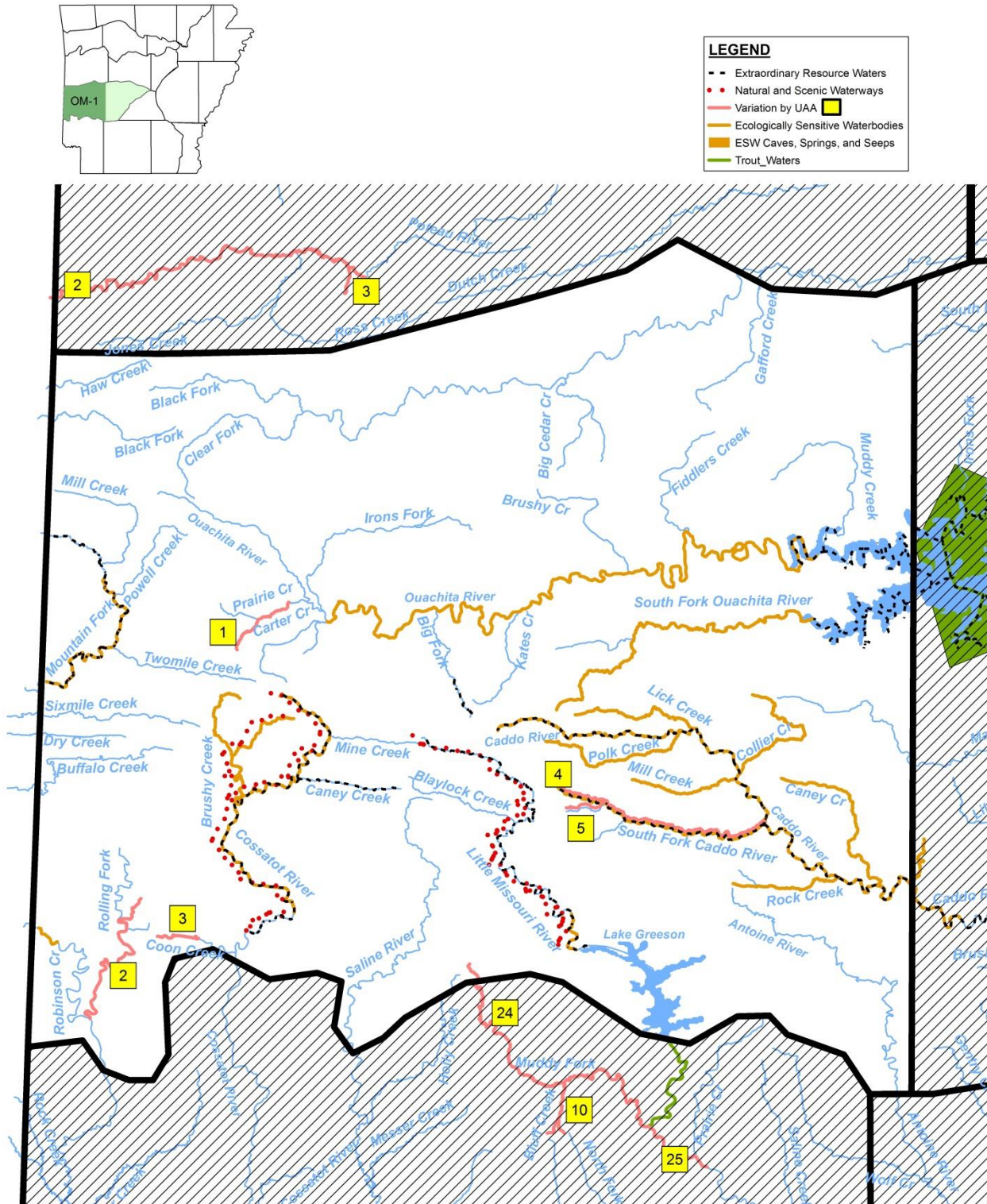
~~Rusher Creek from the confluence of the East and West Forks to confluence with Lucinda Creek—sulfates 250 mg/L; total dissolved solids 500 mg/L (OM 2, #4)†~~

Plate	Map Inset	Waterbody	Variation
OM-2	1	Chamberlain Creek from headwaters to confluence with Cove Creek	Chlorides 68 mg/L, sulfates 1,384 mg/L, TDS 2,261 mg/L*†
OM-2	2	Cove Creek from the confluence with Chamberlain Creek to the Ouachita River	Sulfates 250 mg/L, TDS 500 mg/L*†
OM-2	3	Lucinda Creek from the confluence of Rusher Creek to the confluence with Cove Creek	Sulfates 250 mg/L, TDS 500 mg/L*†
OM-2	4	Rusher Creek from the confluence of the East and West Forks to confluence with Lucinda Creek	Sulfates 250 mg/L, TDS 500 mg/L*†

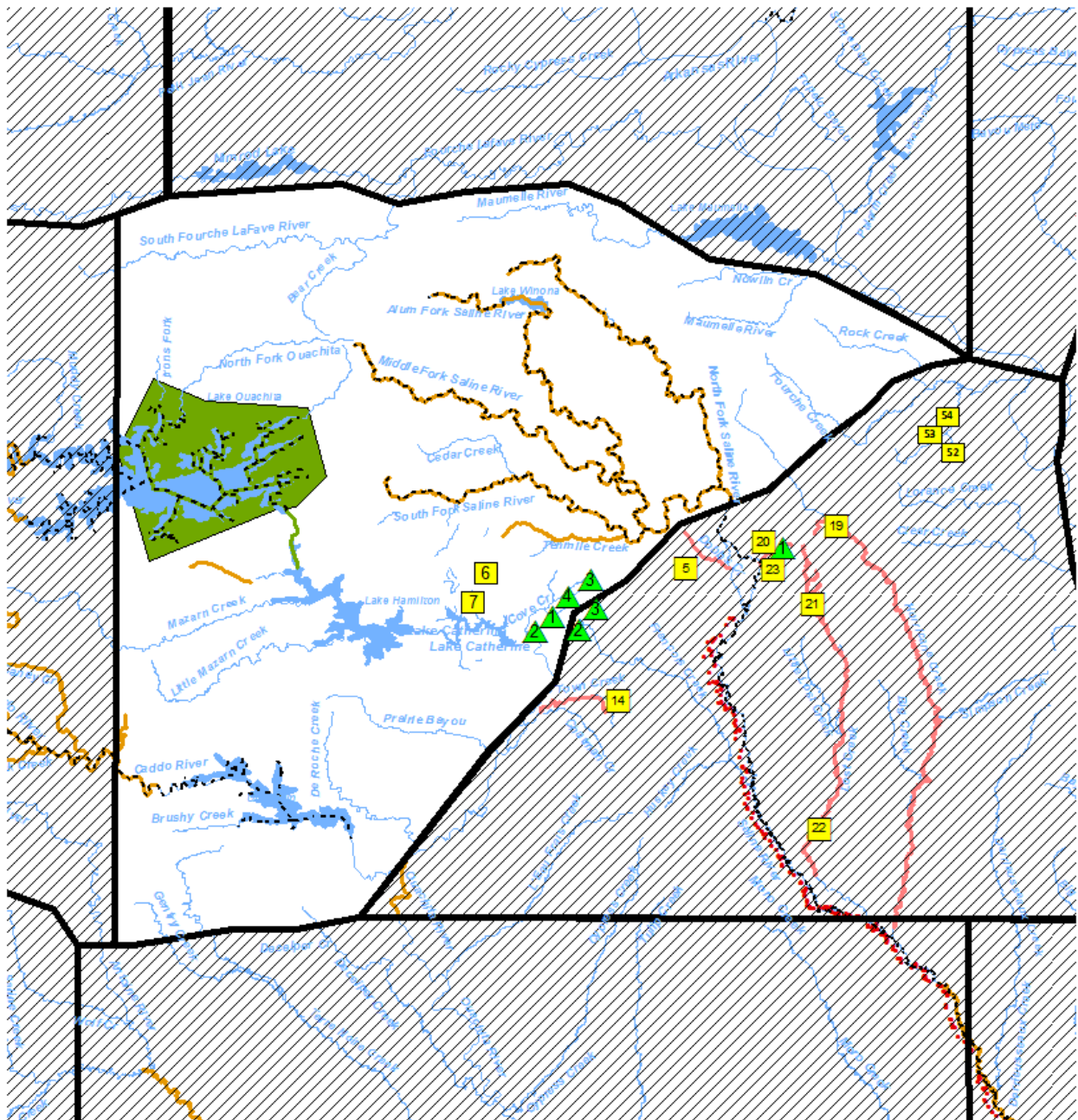
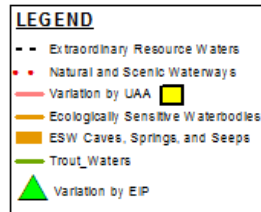
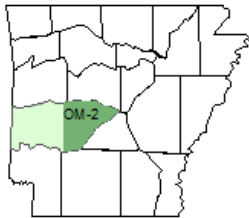
\* These temporary standards variations are effective for 160 months from EPA's approval of the EIP on January 7, 2020.

† Not applicable for clean water act purposes until approved by EPA.

# Plate OM-1 (Ouachita Mountains)



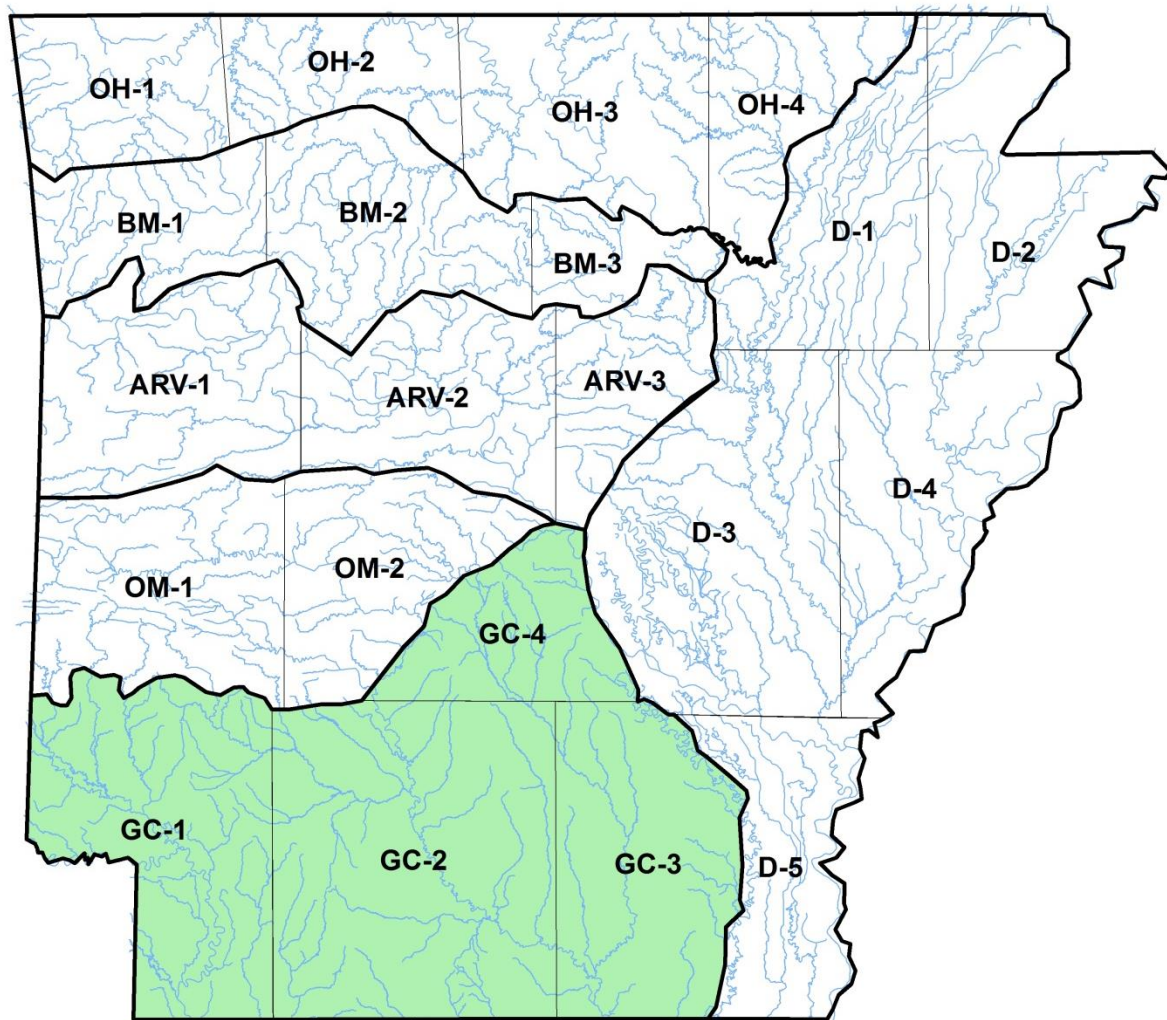
# Plate OM-2 (Ouachita Mountains)







## Index to Plates of the Gulf Coastal Plain



## DESIGNATED USES: GULF COASTAL ECOREGION

(Plates GC-1, GC-2, GC-3, GC-4)

### **Extraordinary Resource Waters**

Saline River (GC-3, GC-4)

Moro Creek - adjacent to natural area (GC-2)

### **Natural and Scenic Waterways**

Saline River from the Grant-Saline County line to mouth (GC-3)

### **Ecologically Sensitive Waterbodies**

Little River above Millwood Reservoir - location of Ouachita rock pocketbook and pink mucket mussels (GC-1)

Grassy Lake and Yellow Creek below Millwood Reservoir - unique ecosystem and biota (GC-1)

Lower Little Missouri River - location of peppered shiner and longnose darter (GC-2)

Lower Saline River - location of peppered shiner, crystal darter and goldstripe darter (GC-3)

Ouachita River near Arkadelphia - location of flat floater, Ouachita rock pocketbook and pink mucket mussels (GC-4)

### **Streams with Substantial Springwater Influence**

L'Eau Frais (GC-4)

Cypress Creek (GC-4)

East and West Fork Tulip Creeks (GC-4)

Others to be determined

**Primary Contact Recreation** - all streams with watersheds greater than 10 mi<sup>2</sup> and all lakes/reservoirs\*\*

**Secondary Contact Recreation** - all waters\*\*

**Domestic, Industrial, and Agricultural Water Supply** - all waters\*\*

### **Domestic Water Supply**

### **Aquatic Life\*\***

#### **Trout Waters**

Little Missouri River from Narrows Dam to confluence with Muddy Fork (GC-1)

#### **Lakes and Reservoirs - all**

#### **Streams**

Seasonal Gulf Coastal aquatic life - all streams with watersheds of less than 10 mi<sup>2</sup> except as otherwise provided in ~~Reg. Rule~~ 2.505

Perennial Gulf Coastal aquatic life - all streams with watersheds of 10 mi<sup>2</sup> or larger and those waters where discharges equal or exceed 1 cfs

\*\*Except for those waters with designated use variations supported by Use Attainability Analysis or other investigations.

### **Site Specific Designated Use Variations Supported by Use Attainability Analysis**

Loutre Creek—perennial aquatic life use, except seasonal from railroad bridge to mouth (GC 2, #1)  
 Unnamed tributary to Smackover Creek—no fishable/swimmable uses (GC 2, #2)  
 Unnamed tributary to Flat Creek—no fishable/swimmable uses (GC 2, #4)  
 Dodson Creek—perennial aquatic life use (GC 4, #5)  
 Jug Creek—perennial aquatic life use (GC 2, #6)  
 Lick Creek—seasonal aquatic life use; no primary contact (GC 1, #7)  
 Mossy Lake—no fishable/swimmable or domestic water supply uses (GC 3, #8)  
 Red River from Oklahoma state line to confluence with Little River—No domestic water supply use (GC 1, #9)  
 Bluff Creek and unnamed tributary—no domestic water supply use (GC 1, #10)  
 Mine Creek from Highway 27 to Millwood Lake—no domestic water supply use (GC 1, #11)  
 Caney Creek—no domestic or industrial water supply use (GC 1, #12)  
 Bois d'Arc Creek from Caney Creek to Red River—no domestic or industrial water supply use (GC 1, #13)  
 Town Creek below Aeme tributary—no domestic water supply (GC 4, #14)  
 Unnamed trib. from Aeme—no domestic water supply (GC 4, #14)  
 Gum Creek—no domestic water supply use (GC 2, #15)  
 Loutre Creek from Highway 15 S. to the confluence of Bayou de Loutre—no domestic water supply use (GC 2, #41)  
 Unnamed trib 002 (UT002)—no domestic water supply use (GC 2, #31)  
 Unnamed trib 003 (UT003)—no domestic water supply use (GC 2, #34)  
 Unnamed trib 004 (UT004)—no domestic water supply use (GC 2, #32)  
 Bayou de Loutre from mouth of UT004 to Louisiana state line—no domestic water supply use (GC 2, #16)  
 Walker Branch—no domestic water supply use (GC 2, #17)  
 Little Cornie Bayou from Walker Branch to Arkansas/Louisiana state line—no domestic water supply use (GC 2, #18)  
 Unnamed trib to Little Cornie Bayou (UTLCB 2)—no domestic water supply use (GC 2, #18)  
 Aleoa unnamed trib to Hurricane Creek and Hurricane Creek—no domestic water supply use (GC 4, #19)  
 Holly Creek—no domestic water supply use (GC 4, #20)  
 Dry Lost Creek and Tribs.—no domestic water supply use (GC 4, #21)  
 Lost Creek—no domestic water supply use (GC 4, #22)  
 Albemarle unnamed trib (AUT) to Horsehead Creek—no domestic water supply use (GC 2, #27)  
 Horsehead Creek from AUT to mouth—no domestic water supply use (GC 2, #27)  
 Dismukes Creek and Big Creek to Bayou Dorcheat—no domestic water supply (GC 2, #28)  
 Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre—no domestic water supply use (GC 2, #51)  
 Unnamed tributary to Flat Creek from EDCC Outfall 001 d/s to confluence with unnamed tributary A to Flat Creek—no domestic water supply use (GC 2, #37)  
 Unnamed tributary A to Flat Creek from mouth of EDCC 001 ditch to confluence with Flat Creek—no domestic water supply use (GC 2, #38)  
 Flat Creek from mouth of UTA to confluence with Haynes Creek—no domestic water supply use (GC 2, #39)  
 Haynes Creek from mouth of Flat Creek to confluence with Smackover Creek—no domestic water supply use (GC 2, #40)  
 Red River from the mouth of the Little River to the Arkansas/Louisiana state line—no domestic water supply use (GC 1, #55) ‡

Plate	Map Inset	Waterbody	Variation
GC-1	7	Lick Creek	Seasonal aquatic life use; no primary contact
GC-1	9	Red River from Oklahoma state line to confluence with Little River	No domestic water supply use
GC-1	10	Bluff Creek and unnamed tributary	No domestic water supply use
GC-1	11	Mine Creek from Highway 27 to Millwood Lake	No domestic water supply use
GC-1	12	Caney Creek	No domestic or industrial water supply use



Plate	Map Inset	Waterbody	Variation
GC-1	13	Bois d'Arc Creek from Caney Creek to Red River	No domestic or industrial water supply use
GC-1	55	Red River from the mouth of the Little River to the Arkansas/Louisiana state line	No domestic water supply use†

Plate	Map Inset	Waterbody	Variation
GC-2	1	Loutre Creek	Perennial aquatic life use, except seasonal from railroad bridge to mouth
GC-2	2	Unnamed tributary to Smackover Creek	No fishable/swimmable uses
GC-2	4	Unnamed tributary to Flat Creek	No fishable/swimmable uses
GC-2	6	Jug Creek	Perennial aquatic life use
GC-2	15	Gum Creek	No domestic water supply use
GC-2	16	Bayou de Loutre from mouth of UT004 to Louisiana state line	No domestic water supply use
GC-2	17	Walker Branch	No domestic water supply use
GC-2	18	Little Cornie Bayou from Walker Branch to Arkansas/Louisiana state line	No domestic water supply use
GC-2	18	Unnamed tributary to Little Cornie Bayou (UTLCB-2)	No domestic water supply use
GC-2	27	Albemarle unnamed tributary (AUT) to Horsehead Creek	No domestic water supply use
GC-2	27	Horsehead Creek from AUT to mouth	No domestic water supply use
GC-2	28	Dismukes Creek and Big Creek to Bayou Dorcheat	No domestic water supply use
GC-2	31	Unnamed tributary 002 (UT002)	No domestic water supply use
GC-2	32	Unnamed tributary 004 (UT004)	No domestic water supply use
GC-2	34	Unnamed tributary 003 (UT003)	No domestic water supply use
GC-2	37	Unnamed tributary to Flat Creek from EDCC Outfall 001 downstream to confluence with unnamed tributary A to Flat Creek	No domestic water supply use
GC-2	38	Unnamed tributary A to Flat Creek from mouth of EDCC 001 ditch to confluence with Flat Creek	No domestic water supply use
GC-2	39	Flat Creek from mouth of UTA to confluence with Haynes Creek	No domestic water supply use
GC-2	40	Haynes Creek from mouth of Flat Creek to confluence with Smackover Creek	No domestic water supply use
GC-2	41	Loutre Creek from Highway 15 S. to the confluence of Bayou de Loutre	No domestic water supply use
GC-2	51	Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre	No domestic water supply use

<b>Plate</b>	<b>Map Inset</b>	<b>Waterbody</b>	<b>Variation</b>
GC-3	8	Coffee Creek and Mossy Lake	No fishable/swimmable or domestic water supply uses

<b>Plate</b>	<b>Map Inset</b>	<b>Waterbody</b>	<b>Variation</b>
GC-4	5	Dodson Creek	Perennial aquatic life use
GC-4	14	Town Creek below Acme tributary	No domestic water supply use
GC-4	14	Unnamed tributary from Acme	No domestic water supply use
GC-4	19	Alcoa unnamed tributary to Hurricane Creek and Hurricane Creek	No domestic water supply use
GC-4	20	Holly Creek	No domestic water supply use
GC-4	21	Dry Lost Creek and tributaries	No domestic water supply use
GC-4	22	Lost Creek	No domestic water supply use

## **SPECIFIC STANDARDS CRITERIA: GULF COASTAL ECOREGION**

(Plates GC-1, GC-2, GC-3, GC-4)

	<u>Typical Streams</u>	<u>Spring Water Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)‡	30 (86)	30 (86)	32 (89.6)
Ouachita River			
(state line to Little Missouri River)	32 (89.6)		
Red River	32 (89.6)		
Little River			
(from Millwood Lake to the Red River)	32 (89.6) ‡		
<u>Trout Waters</u>	<u>20 (68)</u>	<u>20 (68)</u>	
Turbidity (NTU) (base/ <del>all</del> storm)	21/32	21/32	25/45
Red River ( <del>base/all</del> )	50/150		
<u>Trout Waters</u>	<u>10/15</u>		
Minerals	see <del>Reg.</del> <u>Rule</u> 2.511		see <del>Reg.</del> <u>Rule</u> 2.511
Dissolved Oxygen (mg/L) **	<u>Pri.</u>	<u>Crit.</u>	see <del>Reg.</del> <u>Rule</u> 2.505
<10 mi <sup>2</sup> watershed	5	2	
10 mi <sup>2</sup> - 500 mi <sup>2</sup>	5	3	
>500 mi <sup>2</sup> watershed	5	5	
All sizes (springwater influenced)	6	5	
<u>Trout Waters</u>	<u>6</u>	<u>6</u>	
All other <del>standards</del> <u>criteria</u>	(same as statewide)		

‡Increase over natural temperatures may not be more than 2.8°C (5°F).

\*\*At water temperatures ≤ 10°C or during March, April and May when stream flows are 15 cfs and greater, the primary season dissolved oxygen standard ~~criteria~~ will be 6.5 mg/L. When water temperatures exceed 22°C, the critical season dissolved oxygen standard ~~criteria~~ may be depressed by 1 mg/L for no more than 8 hours during a 24-hour period

### **Site Specific Standards Criteria Variations Supported by Use Attainability Analysis**

~~Louise Creek—from headwaters to railroad bridge, critical season dissolved oxygen standard—3 mg/L; primary season—5 mg/L; from railroad bridge to mouth, critical season dissolved oxygen—2 mg/L (GC 2, #1)~~

~~Unnamed tributary to Smackover Creek—headwaters to Smackover Creek, year round dissolved oxygen criteria—2 mg/L (GC 2, #2)~~

~~Unnamed tributary to Flat Creek—from headwaters to Flat Creek, year round dissolved oxygen criteria—2 mg/L (GC 2, #4)~~

~~Dodson Creek—from headwaters to confluence with Saline River, critical season dissolved oxygen standard—3 mg/L (GC 4, #5)~~

~~Jug Creek—from headwaters to confluence with Moro Creek, critical season dissolved oxygen standard—3 mg/L (GC 2, #6)~~

~~Lick Creek—from headwaters to Millwood Reservoir, critical season dissolved oxygen standard—2 mg/L (GC 1, #7)~~

~~Coffee Creek and Mossy Lake—exempt from Reg. 2.406 and Chapter Five (GC 3, #8)~~

~~Red River from Oklahoma state line to confluence with Little River—total dissolved solids—850 mg/L (GC 1, #9)~~

~~Bluff Creek and unnamed trib.—sulfates 651 mg/L; total dissolved solids 1033 mg/L (GC 1, #10)~~

~~Muddy Fork Little Missouri River—sulfates 250 mg/L; total dissolved solids 500 mg/L (GC 1, #24)~~

~~Little Missouri River—sulfates 90 mg/L; total dissolved solids 180 mg/L (GC 1, #25)~~

Mine Creek from Highway 27 to Millwood Lake—chlorides—90 mg/L; sulfates—65 mg/L; total dissolved solids—700 mg/L (GC 1, #11)

Caney Creek—chlorides 113 mg/L; sulfates 283 mg/L; total dissolved solids 420 mg/L (GC 1, #12)

Bois d'Arc Creek from Caney Creek to Red River—chlorides 113 mg/L; sulfates 283 mg/L; total dissolved solids 420 mg/L (GC 1, #13)

Town Creek below Acme tributary—sulfates 200 mg/L; total dissolved solids 700 mg/L (GC 4, #14)

Unnamed trib. from Acme—sulfates 330 mg/L; total dissolved solids 830 mg/L (GC 4, #14)

Gum Creek—chlorides 104 mg/L; total dissolved solids 311 mg/L (GC 2, #15)

Bayou de Loutre from Gum Creek to State line—Chlorides 250 mg/L; total dissolved solids 750 mg/L (GC 2, #16)

Walker Branch—chlorides 180 mg/L; total dissolved solids 970 mg/L (GC 2, #17)

Ouachita River— from Ouachita River mile (ORM) 223 to the Arkansas-Louisiana border (ORM 221.1), site specific seasonal dissolved oxygen criteria: 3 mg/L June and July; 4.5 mg/L August; 5 mg/L September through May. These seasonal criteria may be unattainable during or following naturally occurring high flows, (i.e., river stage above 65 feet measured at the lower gauge at the Felsenthal Lock and Dam, Station No.89-o, and also for the two weeks following the recession of flood waters below 65 feet), which occurs from May through August. Naturally occurring conditions which fail to meet criteria should not be interpreted as violations of these criteria (GC 3, #26)

Aleoa unnamed trib. to Hurricane Cr. and Hurricane Cr.— see Reg. 2.511 (CG 4, #19)

Holly Creek— See Reg. 2.511 (CG 4, #20)

Saline River bifurcation— see Reg. 2.511 (GC 4, #23)

Dry Lost Creek and tributaries— see Reg. 2.511 (GC 4, #21)

Lost Creek— see Reg. 2.511 (GC 4, #22)

Albemarle unnamed trib (AUT) to Horsehead Creek—chlorides 137 mg/L; total dissolved solids 383 mg/L (GC 2, #27)

Horsehead Creek from AUT to mouth—chlorides 85 mg/L; total dissolved solids 260 mg/L (GC 2, #27)

Bayou Doreheat—sulfates 16 mg/L (GC 2, #27)

Dismukes Creek—chlorides 26 mg/L; total dissolved solids 157 mg/L (GC 2, #28)

Big Creek from Dismukes to Bayou Doreheat—chlorides 20 mg/L; total dissolved solids 200 mg/L (GC 2, #28)

Bayou de Loutre from Chemtura outfall to Loutre Creek—maximum water temperature 96°F (GC 2, #29)

Unnamed tributary of Lake June below Entergy Couch Plant to confluence with Lake June—maximum water temperature 95 degrees F (limitation of 5 degrees above natural temperature does not apply) (GC 1, #30).

Unnamed tributary to Flat Creek from EDCC Outfall 001 d/s to confluence with unnamed tributary A to Flat Creek—Chloride 23 mg/L, Sulfate 125 mg/L, TDS 475 mg/L, (GC 2, #37) ‡

Unnamed tributary A to Flat Creek from mouth of EDCC 001 ditch to confluence with Flat Creek, —Chloride 16 mg/L, Sulfate 80 mg/L, TDS 315 mg/L, (GC 2, #38) ‡

Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre. Chloride, 631mg/L; Sulfate, 63 mg/L, total dissolved solids, 1360; Selenium, 15.6 u/L

McGeorge Creek (headwaters to Willow Springs Branch) Sulfate, 250 mg/L; total dissolved solids, 432 mg/L (GC 4, #52)

Willow Springs Branch (McGeorge Creek to Little Fourche Creek) Sulfate, 112 mg/L; total dissolved solids 247 mg/L (GC 4, #53)

Little Fourche Creek (Willow Springs Branch to Fourche Creek) total dissolved solids, 179 mg/L (GC 4, #54)

Red River from mouth of the Little River to the Arkansas/Louisiana state line, TDS 780 mg/L (GC 1, #55, 58) ‡

Little River from Millwood Lake to the Red River, TDS 138mg/L; temperature 32°C/89.6°F (GC 1, #56) ‡

‡ Not applicable for clean water act purposes until approved by EPA.

Plate	Map Inset	Waterbody	Variation
GC-1	7	Lick Creek - from headwaters to Millwood Reservoir	Critical season DO standard 2 mg/L
GC-1	9	Red River from Oklahoma state line to confluence with Little River	TDS 850 mg/L
GC-1	10	Bluff Creek and unnamed tributary	Sulfates 651 mg/L, TDS 1033 mg/L

Plate	Map Inset	Waterbody	Variation
GC-1	11	Mine Creek from Highway 27 to Millwood Lake	Chlorides 90 mg/L, sulfates 65 mg/L, TDS 700 mg/L
GC-1	12	Caney Creek	Chlorides 113 mg/L, sulfates 283 mg/L, TDS 420 mg/L
GC-1	24	Muddy Fork Little Missouri River	Sulfates 250 mg/L, TDS 500 mg/L
GC-1	25	Little Missouri River	Sulfates 90 mg/L, TDS 180 mg/L
GC-1	30	Unnamed tributary of Lake June below Entergy Couch Plant to confluence with Lake June	Maximum water temperature 95 degrees F (limitation of 5 degrees above natural temperature does not apply)
GC-1	55; 58	Red River from mouth of the Little River to the Arkansas/Louisiana state line	TDS 780 mg/L†
GC-1	56	Little River from Millwood Lake to the Red River	TDS 138mg/L; temperature 32°C/89.6°F†

Plate	Map Inset	Waterbody	Variation
GC-2	1	Loutre Creek from headwaters to railroad bridge	Critical season DO <del>standard</del> 3 mg/L, primary season DO 5 mg/L
GC-2	1	Loutre Creek from railroad bridge to mouth	Critical season DO 2 mg/L
GC-2	2	Unnamed tributary to Smackover Creek headwaters to Smackover Creek	Year round DO <del>criteria</del> 2 mg/L
GC-2	4	Unnamed tributary to Flat Creek from headwaters to Flat Creek	Year round DO <del>criteria</del> 2 mg/L
GC-2	6	Jug Creek - from headwaters to confluence with Moro Creek	Critical season DO <del>standard</del> 3 mg/L
GC-2	15	Gum Creek	Chlorides 104 mg/L, TDS 311 mg/L
GC-2	16	Bayou de Loutre from Gum Creek to State line	Chlorides 250 mg/L, TDS 750 mg/L
GC-2	17	Walker Branch	Chlorides 180 mg/L, TDS 970 mg/L
GC-2	27	Albemarle unnamed tributary (AUT) to Horsehead Creek	Chlorides 137 mg/L, TDS 383 mg/L
GC-2	27	Horsehead Creek from AUT to mouth	Chlorides 85 mg/L, TDS 260 mg/L
GC-2	27	Bayou Dorcheat	Sulfates 16 mg/L
GC-2	28	Dismukes Creek	Chlorides 26 mg/L, TDS 157 mg/L
GC-2	28	Big Creek from Dismukes to Bayou Dorcheat	Chlorides 20 mg/L, TDS 200 mg/L
GC-2	29	Bayou de Loutre from Chemtura outfall to Loutre Creek	Maximum water temperature 96°F
GC-2	51	Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre.	Chloride 631mg/L, Sulfate 63 mg/L, TDS 1360, Selenium 15.6 u/L

Plate	Map Inset	Waterbody	Variation
GC-3	8	Coffee Creek and Mossy Lake	Exempt from <del>Reg. Rule</del> 2.406 and Chapter Five
GC-3	26	Ouachita River from Ouachita River mile (ORM) 223 to the Arkansas-Louisiana border (ORM 221.1)	Site specific seasonal DO criteria: 3 mg/L June and July; 4.5 mg/L August; 5 mg/L September through May. These seasonal criteria may be unattainable during or following naturally occurring high flows, (i.e., river stage above 65 feet measured at the lower gauge at the Felsenthal Lock and Dam, Station No.89-o, and also for the two weeks following the recession of flood waters below 65 feet), which occurs from May through August. Naturally occurring conditions which fail to meet criteria should not be interpreted as violations of these criteria

Plate	Map Inset	Waterbody	Variation
GC-4	5	Dodson Creek - from headwaters to confluence with Saline River	Critical season DO <del>criteria</del> 3 mg/L
GC-4	14	Town Creek below Acme tributary	Sulfates 200 mg/L, TDS 700 mg/L
GC-4	14	Unnamed tributary from Acme	Sulfates 330 mg/L, TDS 830 mg/L
GC-4	19	Alcoa unnamed tributary to Hurricane Creek and Hurricane Creek	See <del>Reg. Rule</del> 2.511
GC-4	20	Holly Creek	See <del>Reg. Rule</del> 2.511
GC-4	23	Saline River bifurcation	See <del>Reg. Rule</del> 2.511
GC-4	21	Dry Lost Creek and tributaries	See <del>Reg. Rule</del> 2.511
GC-4	22	Lost Creek	See <del>Reg. Rule</del> 2.511
GC-4	52	McGeorge Creek (headwaters to Willow Springs Branch)	Sulfate 250 mg/L, TDS 432 mg/L
GC-4	53	Willow Springs Branch (McGeorge Creek to Little Fourche Creek)	Sulfate 112 mg/L, TDS 247 mg/L
GC-4	54	Little Fourche Creek (Willow Springs Branch to Fourche Creek)	TDS 179 mg/L

#### **Temporary Variations Supported by Environmental Improvement Project**

Holly Creek; Selenium, Chronic Standard, 17µg/L (GC 4, #1)

Reyburn Creek from headwaters to confluence of Francois Creek — sulfates 250 mg/L; total dissolved solids 500 mg/L (GC 4, #2)†

Seull Creek from a point approximately 350 feet upstream of Clearwater Lake to Clearwater Lake (including Clearwater Lake) and from Clearwater Lake dam to confluence Reyburn Creek — sulfates 250 mg/L; total dissolved solids 500 mg/L (GC 4, #3) †

Plate	Map Inset	Waterbody	Variation
GC-4	1	Holly Creek	Selenium chronic criteria 17µg/L

GC-4	2	Reyburn Creek from headwaters to confluence of Francois Creek	Sulfates 250 mg/L, TDS 500 mg/L*†
GC-4	3	Scull Creek from a point approximately 350 feet upstream of Clearwater Lake to Clearwater Lake (including Clearwater Lake) and from Clearwater Lake dam to confluence Reyburn Creek	Sulfates 250 mg/L, TDS 500 mg/L*†

\*These temporary standards variations are effective for 160 months from EPA's approval of the EIP on January 7, 2020.

† Not applicable for clean water act purposes until approved by EPA.

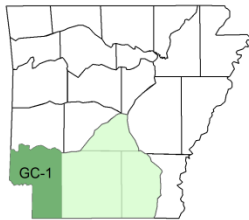
**Variations Supported by Technical Adjustment**

~~Red River from the Arkansas/Oklahoma state line to the mouth of the Little River, sulfate 250 mg/L, TDS 940 mg/L (GC 1, #57)†~~

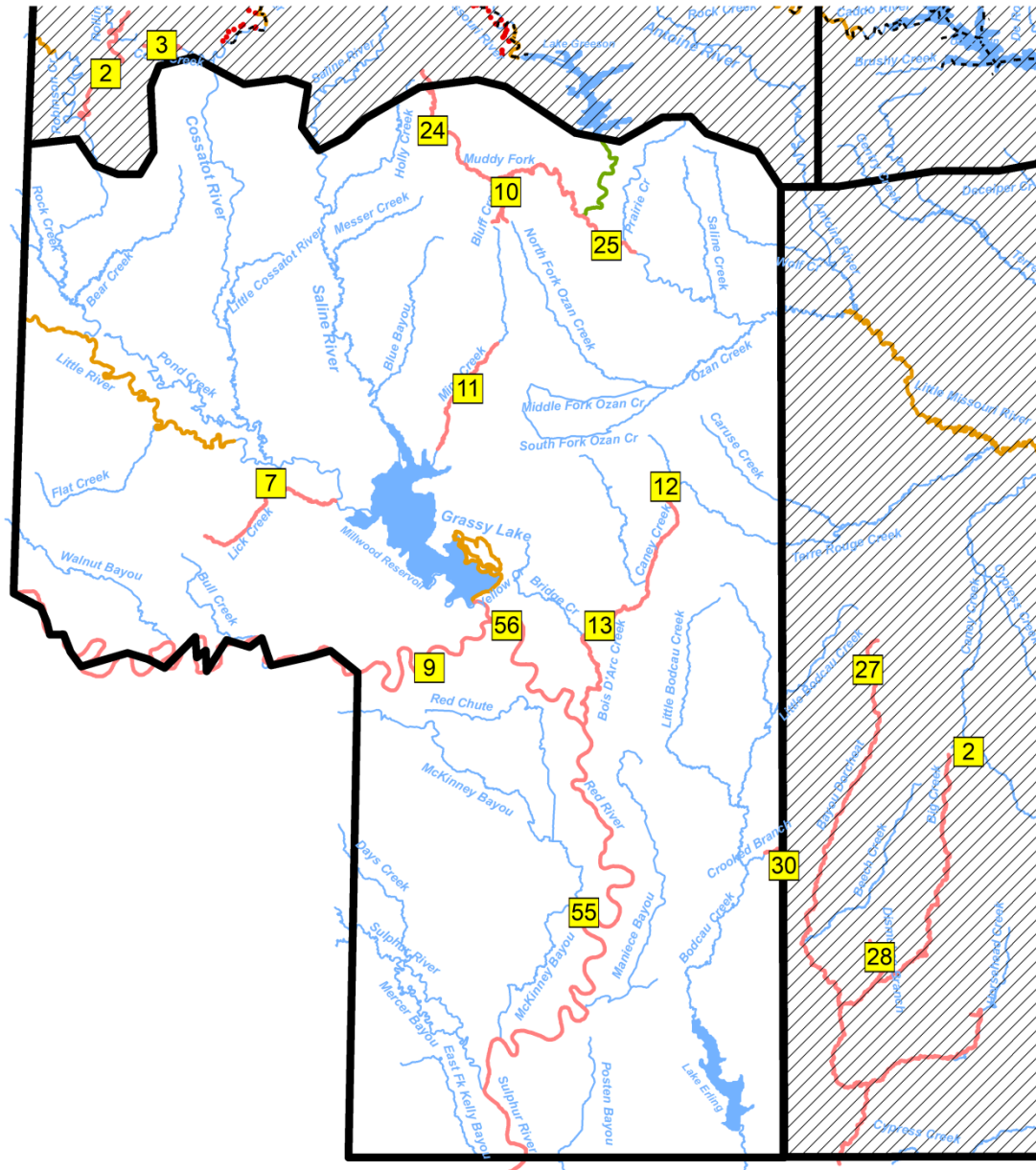
~~Red River from mouth of the Little River to the Arkansas/Louisiana state line, sulfate 225 mg/L (GC 1, #58)†~~



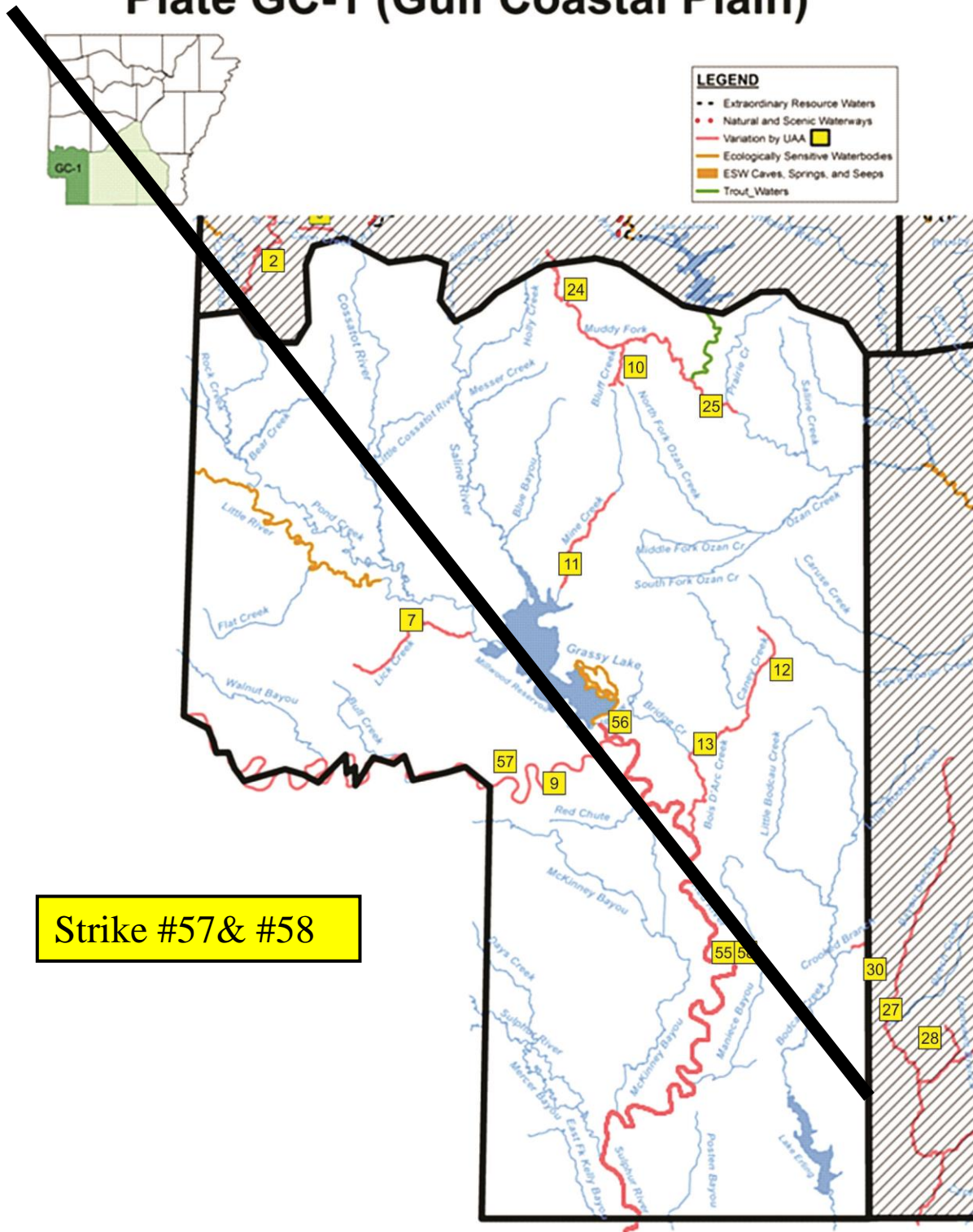
# Plate GC-1 (Gulf Coastal Plain)

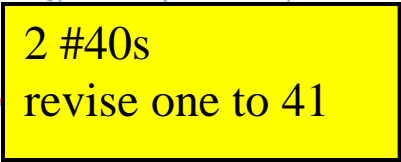


LEGEND	
	Extraordinary Resource Waters
	Natural and Scenic Waterways
	Variation by UAA
	Ecologically Sensitive Waterbodies
	ESW Caves, Springs, and Seeps
	Trout_Waters



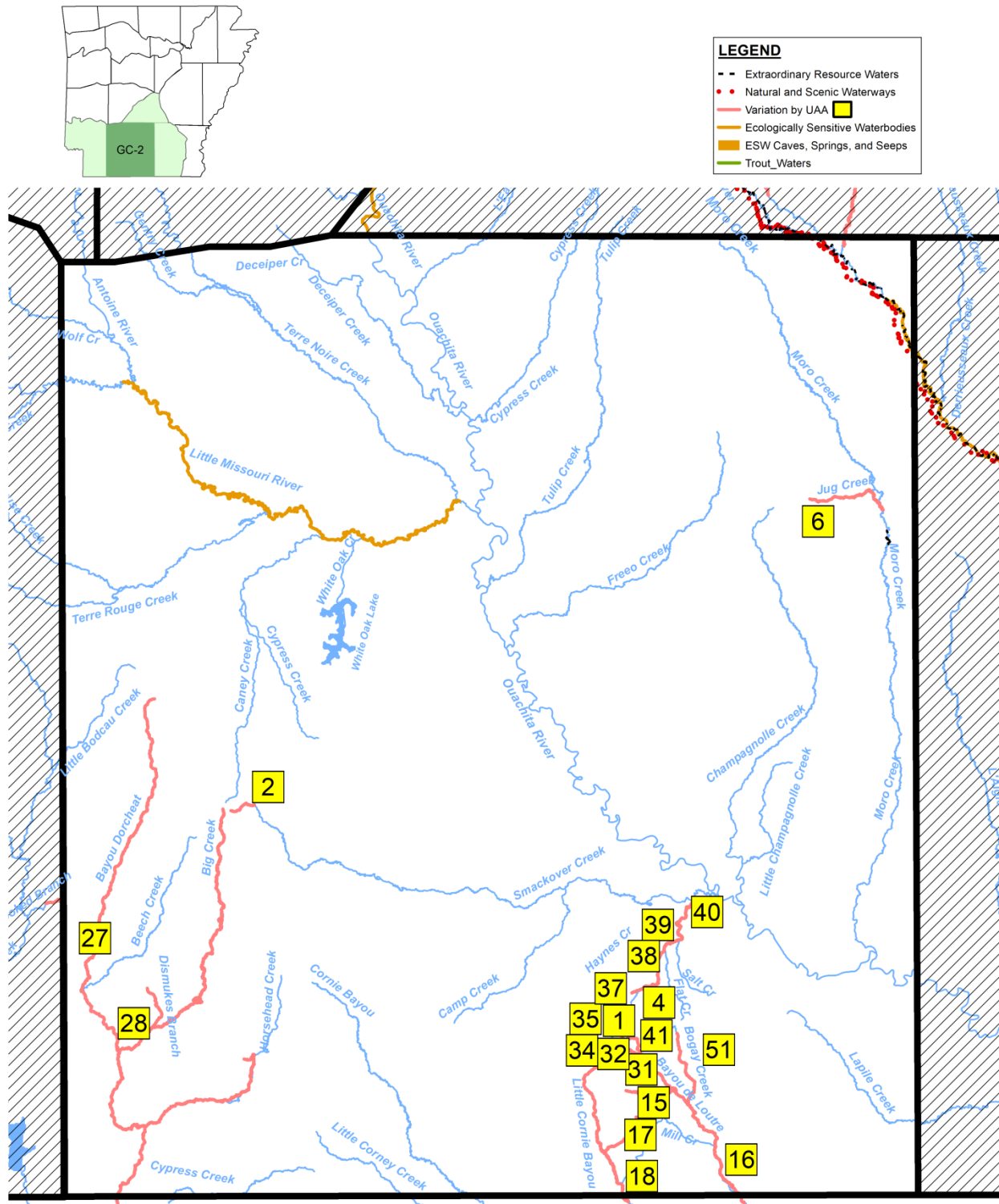
# Plate GC-1 (Gulf Coastal Plain)



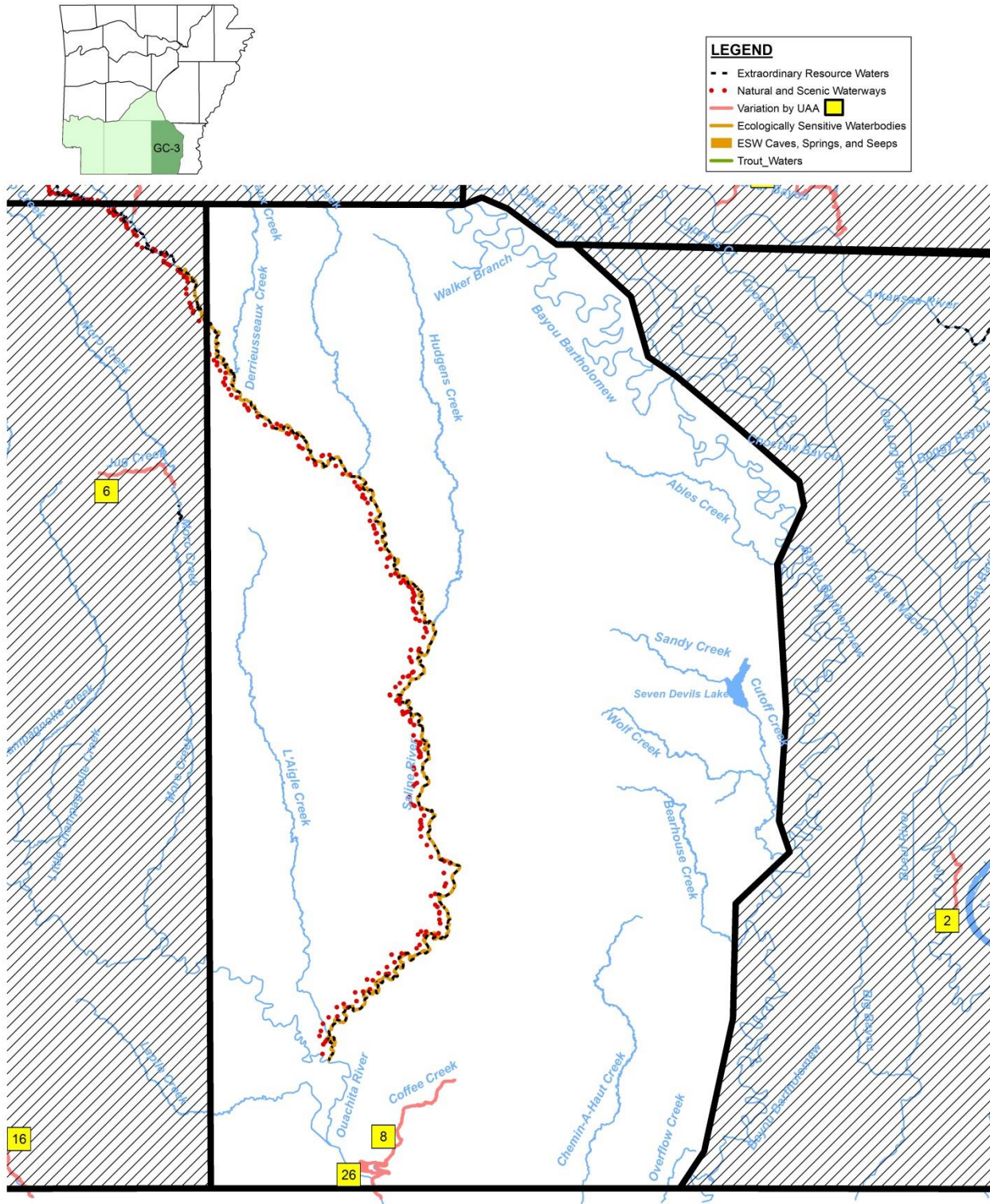




## Plate GC-2 (Gulf Coastal Plain)

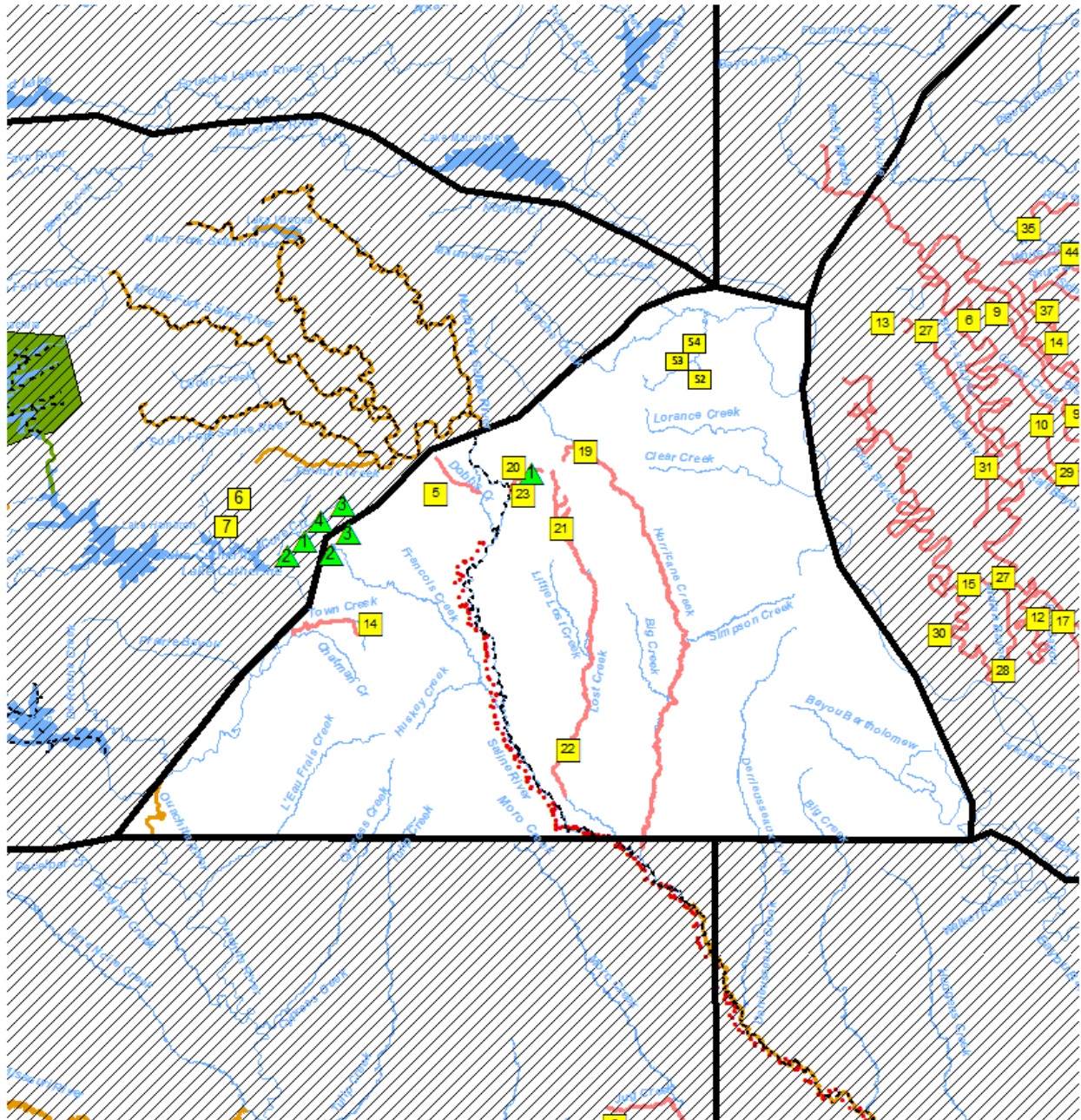
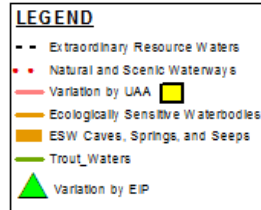
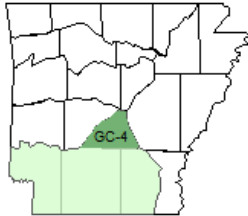


# Plate GC-3 (Gulf Coastal Plain)





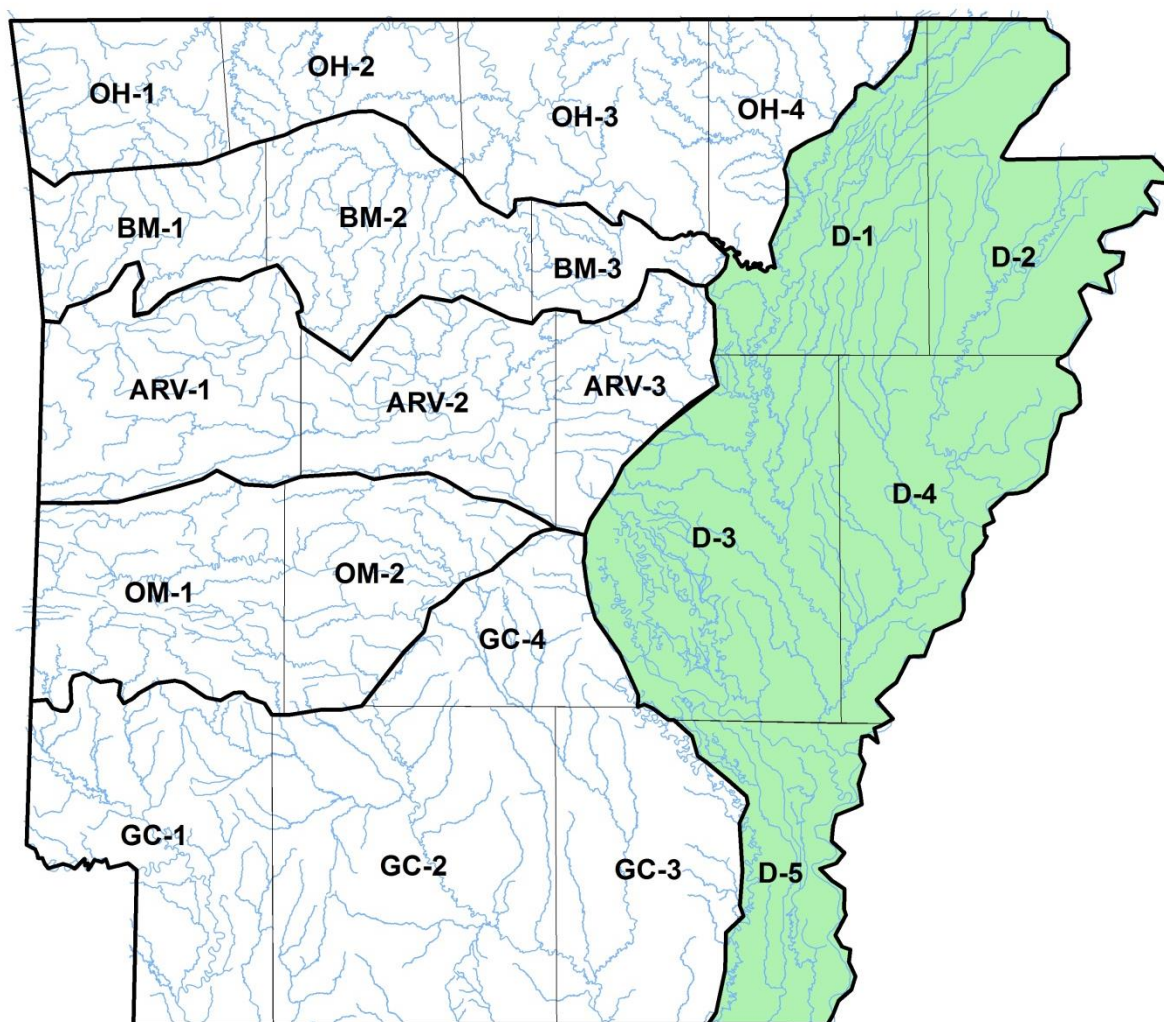
# Plate GC-4 (Gulf Coastal Plain)







## Index to Plates of the Delta



## DESIGNATED USES: DELTA ECOREGION

(Plates D-1, D-2, D-3, D-4, D-5)

### **Extraordinary Resource Waters**

Second Creek (D-4)

Cache River above Cache Bayou - adjacent to natural areas (D-3)

Arkansas River below Norrell Lock and Dam (Dam #2) (D-5)

Strawberry River (D-1)

Two Prairie Bayou adjacent to natural areas (D-3)

### **Natural and Scenic Waterways**

None

### **Ecologically Sensitive Waterbodies**

Lower St. Francis River and lower 10 miles of Straight Slough - location of fat pocketbook mussel (D-2, D-4)

Right Hand Chute at confluence with St. Francis River - location of fat pocketbook mussel (D-2)

Departee Creek - location of flat floater mussel (D-1)

Black River at mouth of Spring River - location of pink mucket mussel (D-1)

**Channel-altered Delta Ecoregion Streams** - These include the majority of the streams in this ecoregion and are characterized by substantial alteration of the morphology of their main-stream channel as well as their tributary streams. Such alteration of the tributaries of these streams significantly affects the water quality and hydrology of the streams and their watersheds. Most of the upper segments of these waters have been dredged and straightened into ditches. Additionally most of the tributaries of these streams have been straightened, ditched and, in some cases, rerouted to quickly move water off the agriculture fields and into the major streams. In the lower segments of these waters, channel realignment is less expansive but most of these channels have been “snagged” to remove any in-stream obstructions (brush, logs, and other debris) and the stream channel and banks have been dredged to uniform depths and cleared of any obstructions. These include Cache River, Bayou DeView, Village Creek, Blackfish Bayou and others to be determined by the ~~Department~~ Division on a case by case basis.

**Primary Contact Recreation** - all streams with watersheds of greater than 10 mi<sup>2</sup> and all lakes/reservoirs\*\*

**Secondary Contact Recreation** - all waters\*\*

**Domestic, Industrial and Agricultural Water Supply** - all waters\*\*

### **Aquatic Life\*\***

**Trout Waters** - none

**Lakes and Reservoirs** - all

#### **Streams**

Seasonal Delta aquatic life - all streams with watersheds of less than 10 mi<sup>2</sup> except as otherwise provided in ~~Reg-Rule~~ 2.505

Perennial Delta aquatic life - all streams with watersheds 10 mi<sup>2</sup> or larger and those waters where discharges equal or exceed 1cfs

### **Site Specific Designated Use Variation Supported by Use Attainability Analysis**

~~Unnamed ditch to Little LaGrue Bayou - perennial Delta aquatic life (D-3, #1)~~

~~Little Lake Bayou - seasonal Delta aquatic life; no primary contact (D-5, #2)~~

~~Coon Creek and unnamed tributary from Frit Ind. - no domestic water supply use (D-1, #3)~~

~~Rocky Branch Creek and Bayou Meto from Rocky Branch Creek to Bayou Two Prairie - no domestic water supply use (D-3 #4)~~

~~Ditch No. 27 — no domestic water supply use (D-2, #5)~~

~~Ditch No. 6 — no domestic water supply use (D-2, #6)~~

Plate	Map Inset	Waterbody	Variation
D-1	3	Coon Creek and unnamed tributary from Frit Ind.	No domestic water supply use
D-2	5	Ditch No. 27	No domestic water supply use
D-2	6	Ditch No. 6	No domestic water supply use
D-3	1	Unnamed ditch to Little LaGrue Bayou	Perennial Delta aquatic life
D-5	2	Little Lake Bayou	Seasonal Delta aquatic life, no primary contact
D-3	4	Rocky Branch Creek and Bayou Meto from Rocky Branch Creek to Bayou Two Prairie	No domestic water supply use

\*\*Except for those waters with designated use variations supported by Use Attainability Analysis or other investigations.

### SPECIFIC ~~STANDARDS~~CRITERIA: DELTA ECOREGION

	(Plates D-1, D-2, D-3, D-4, D-5)			
	<u>Least-Altered Streams</u>		<u>Channel-Altered Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)*	30 (86)		32 (89.6)	32 (89.6)
White River	32 (89.6)			
St. Francis River	32 (89.6)			
Mississippi River	32 (89.6)			
Arkansas River	32 (89.6)			
Turbidity(NTU) (base/ <del>all</del> storm)	45/84		75/250	25/45
Arkansas River ( <del>base/all</del> )	50/52			
Mississippi River ( <del>base/all</del> )	50/75			
St. Francis River ( <del>base/all</del> )	75/100			
Minerals	see <del>Reg-Rule</del> 2.511		see <del>Reg-Rule</del> 2.511	see <del>Reg-Rule</del> 2.511
Dissolved Oxygen (mg/L)**	<u>Pri</u>	<u>Crit</u>	<u>Pri</u>	<u>Crit</u> , see <del>Reg-Rule</del> 2.505
<10 mi <sup>2</sup> watershed	5	2	5	2
10 mi <sup>2</sup> to 100 mi <sup>2</sup>	5	3	5	3
>100 mi <sup>2</sup> watershed	5	5	5	5
All other <del>standards</del> <u>criteria</u>	(same as statewide)			

#### Site Specific ~~Standards~~ Criteria Variations Supported by Use Attainability Analysis

~~Unnamed ditch to Little LaGrue Bayou — from headwaters to confluence with Little LaGrue Bayou, critical season D.O. standard — 3 mg/L (D-3, #1)~~

~~Little Lake Bayou — critical season dissolved oxygen standard — 2 mg/L (D-5, #2)~~

~~Unnamed tributary from Frit Ind., to Coon Creek — sulfates 48 mg/L (D-1, #3)~~

~~Rocky Branch Creek — chlorides 64 mg/L (D-3, #4)~~

~~Bayou Meto from Rocky Branch Creek to Bayou Two Prairie — chlorides 64 mg/L (D-3, #4)~~

Bayou Meto from mouth to Pulaski/Lonoke county line—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #4)  
 Ditch No. 27—sulfates 480 mg/L; total dissolved solids 1,200 mg/L; maximum water temperature 95°F (D-2, #5)  
 Ditch No. 6 from Ditch No. 27 confluence to its mouth—sulfates 210 mg/L; total dissolved solids 630 mg/L (D-2, #6)  
 Tyronza River from Ditch No. 6 confluence to its mouth—sulfates 60 mg/L—see Reg. 2.511 (D-2, #7)  
 Long Pond Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #40)  
 Castor Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #26)  
 Cross Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #41)  
 Bayou Two Prairie (Pulaski/Lonoke county line to Northern boundary of Smoke Hole Natural Area)—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #42)  
 Bayou Two Prairie (Southern boundary of Smoke Hole Natural Area to Mouth)—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #42)  
 Little Bayou Meto—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #34)  
 Bakers Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #6)  
 Wabbaseka Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #27)  
 Indian Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #28)  
 Flat Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #12)  
 Shumaker Branch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #11)  
 Skinner Branch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #43)  
 White Oak Branch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #44)  
 Caney Creek—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #10)  
 Salt Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #29)  
 Snow Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #13)  
 Fish Trap Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #14)  
 Ricky Branch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #45)  
 Blue Point Ditch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #46)  
 Big Ditch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #8)  
 Main Ditch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #15)  
 Plum Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #30)  
 Crooked Creek Ditch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #9)  
 Indian Bayou Ditch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #31)  
 Caney Creek Ditch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #10)  
 Salt Bayou Ditch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #29)  
 Bradley Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #17)  
 Tupelo Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #36)  
 Dennis Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #16)  
 Buffalo Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #32)  
 Flynn Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #18)  
 Boggy Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #19)  
 Bear Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #20)  
 Bubbling Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #21)  
 Five Forks Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #33)  
 Government Cypress Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #22)  
 Brushy Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #23)  
 Tipton Ditch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #38)  
 Hurricane Slough—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #24)  
 Newton Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #25)  
 West Bayou—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #39)  
 Brownsville Branch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #35)  
 Eagle Branch—chlorides 95 mg/L; sulfates 45 mg/L (D-3, #37)  
 Unnamed tributary to Big Creek—chlorides 71 mg/L, sulfates 60 mg/L, total dissolved solids 453 mg/L (D-1, #38)  
 Big Creek from Whistle Ditch to mouth of unnamed trib—chloride 58 mg/L, sulfates 49 mg/L (D-II, #39)  
 Bayou DeView from AR Hwy 14 to Whistle Ditch—chloride 48 mg/L, sulfates 38 mg/L, total dissolved solids 411.3 mg/L (D-1, #40)  
 Bayou DeView from mouth to AR Hwy 14—chloride 48 mg/L, sulfates 37.3 mg/L, total dissolved solids 411.3 mg/L (D-1, #41)

Plate	Map Inset	Waterbody	Variation
D-1	3	Unnamed tributary from Frit Ind., to Coon Creek	Sulfates 48 mg/L
D-1	38	Unnamed tributary to Big Creek	Chlorides 71 mg/L, sulfates 60 mg/L, TDS 453 mg/L
D-1	39	Big Creek from Whistle Ditch to mouth of unnamed tributary	Chloride 58 mg/L, sulfates 49 mg/L
D-1	40	Bayou DeView from AR Hwy 14 to Whistle Ditch	Chloride 48 mg/L, sulfates 38 mg/L, TDS 411.3 mg/L
D-1	41	Bayou DeView from mouth to AR Hwy 14	Chloride 48 mg/L, sulfates 37.3 mg/L, TDS 411.3mg/L

Plate	Map Inset	Waterbody	Variation
D-2	5	Ditch No. 27	Sulfates 480 mg/L, TDS 1,200 mg/L, maximum water temperature 95°F
D-2	6	Ditch No. 6 from Ditch No. 27 confluence to its mouth	Sulfates 210 mg/L, TDS 630 mg/L
D-2	7	Tyrone River from Ditch No. 6 confluence to its mouth	Sulfates 60 mg/L. See <del>Reg.</del> <u>Rule</u> 2.511

Plate	Map Inset	Waterbody	Variation
D-3	1	Unnamed ditch to Little LaGrue Bayou - from headwaters to confluence with Little LaGrue Bayou	Critical season DO standard 3 mg/L
D-3	4	Rocky Branch Creek	Chlorides 64 mg/L
D-3	4	Bayou Meto (Rocky Branch to Pulaski/Lonoke county line) <del>from Rocky Branch Creek to Bayou Two Prairie</del>	Chlorides 64 mg/L
D-3	4	Bayou Meto from mouth to Pulaski/Lonoke county line	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	6	Bakers Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	8	Big Ditch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	9	Crooked Creek Ditch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	10	Caney Creek Ditch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	10	Caney Creek	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	11	Shumaker Branch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	12	Flat Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	13	Snow Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	14	Fish Trap Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	15	Main Ditch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	16	Dennis Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	17	Bradley Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	18	Flynn Slough	Chlorides 95 mg/L, sulfates 45 mg/L

Plate	Map Inset	Waterbody	Variation
D-3	19	Boggy Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	20	Bear Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	21	Bubbling Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	22	Government Cypress Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	23	Brushy Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	24	Hurricane Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	25	Newton Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	26	Castor Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	27	Wabbaseka Bayou	Chlorides 95 mg/L, sulfates 45mg/L
D-3	28	Indian Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	29	Salt Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	29	Salt Bayou Ditch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	30	Plum Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	31	Indian Bayou Ditch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	32	Buffalo Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	33	Five Forks Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	34	Little Bayou Meto	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	35	Brownsville Branch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	36	Tupelo Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	37	Eagle Branch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	38	Tipton Ditch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	39	West Bayou	Chlorides 95 mg/L, sulfates 45mg/L
D-3	40	Long Pond Slough	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	41	Cross Bayou	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	42	Bayou Two Prairie (Pulaski/ Lonoke county line to Northern boundary of Smoke Hole Natural Area)	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	42	Bayou Two Prairie (Southern boundary of Smoke Hole Natural Area to Mouth)	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	43	Skinner Branch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	44	White Oak Branch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	45	Ricky Branch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	46	Blue Point Ditch	Chlorides 95 mg/L, sulfates 45 mg/L
D-3	47	<u>Bayou DeView from mouth to AR Hwy 14</u>	<u>Chloride 48 mg/L, sulfates 37.3 mg/L, TDS 411.3mg/L</u>

Plate	Map Inset	Waterbody	Variation
D-5	2	Little Lake Bayou	Critical season DO <del>standard</del> 2 mg/L

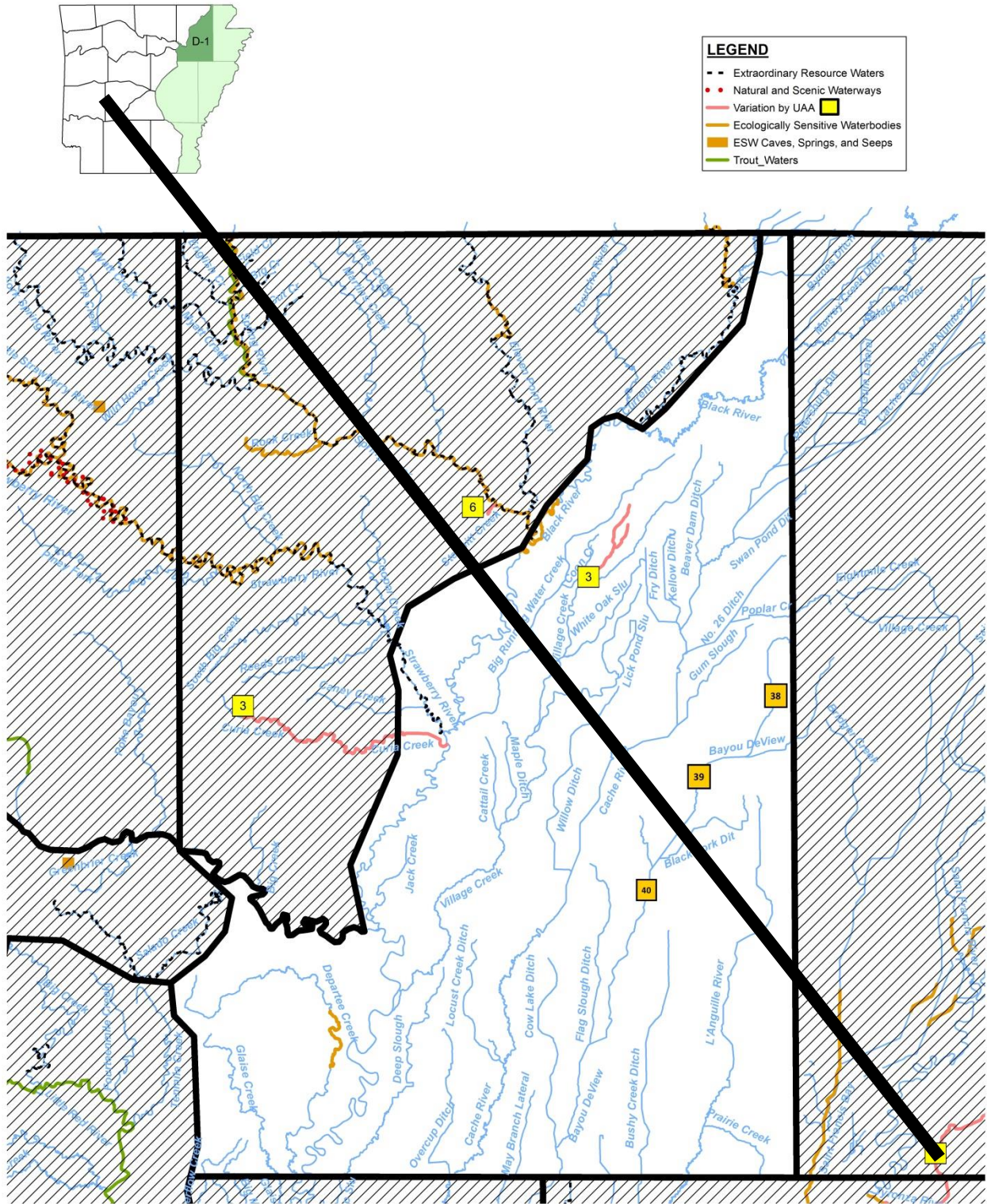
\*Increase over natural temperatures may not be more than 2.8°C (5°F).

\*\*When water temperatures exceed 22°C, the critical season dissolved oxygen standard criteria may be depressed by 1 mg/L for no more than 8 hours during a 24 hour period.



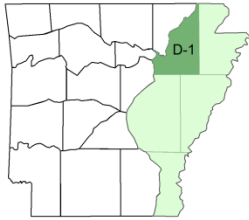


# Plate D-1 (Delta)



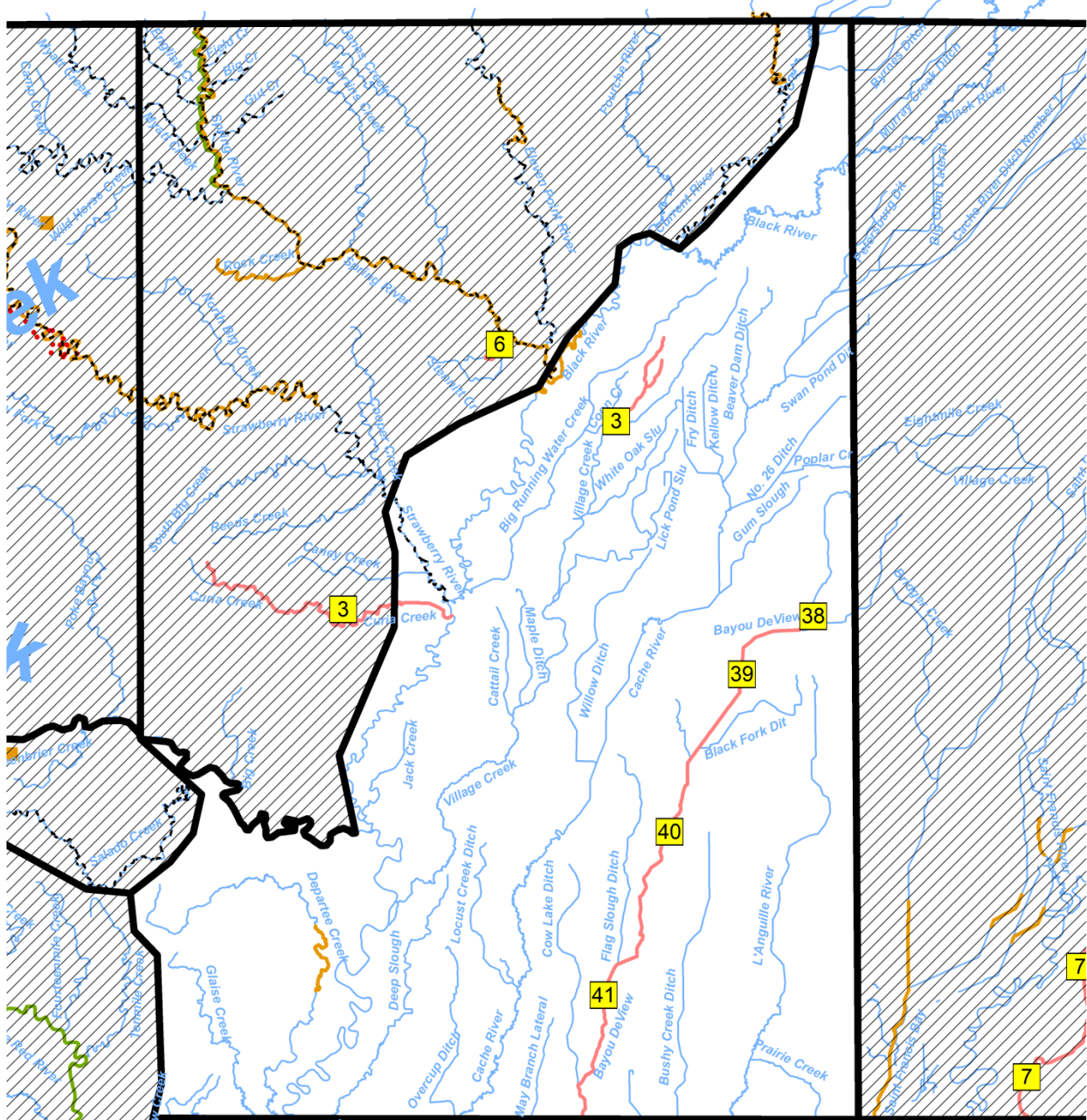


# Plate D-1 (Delta)

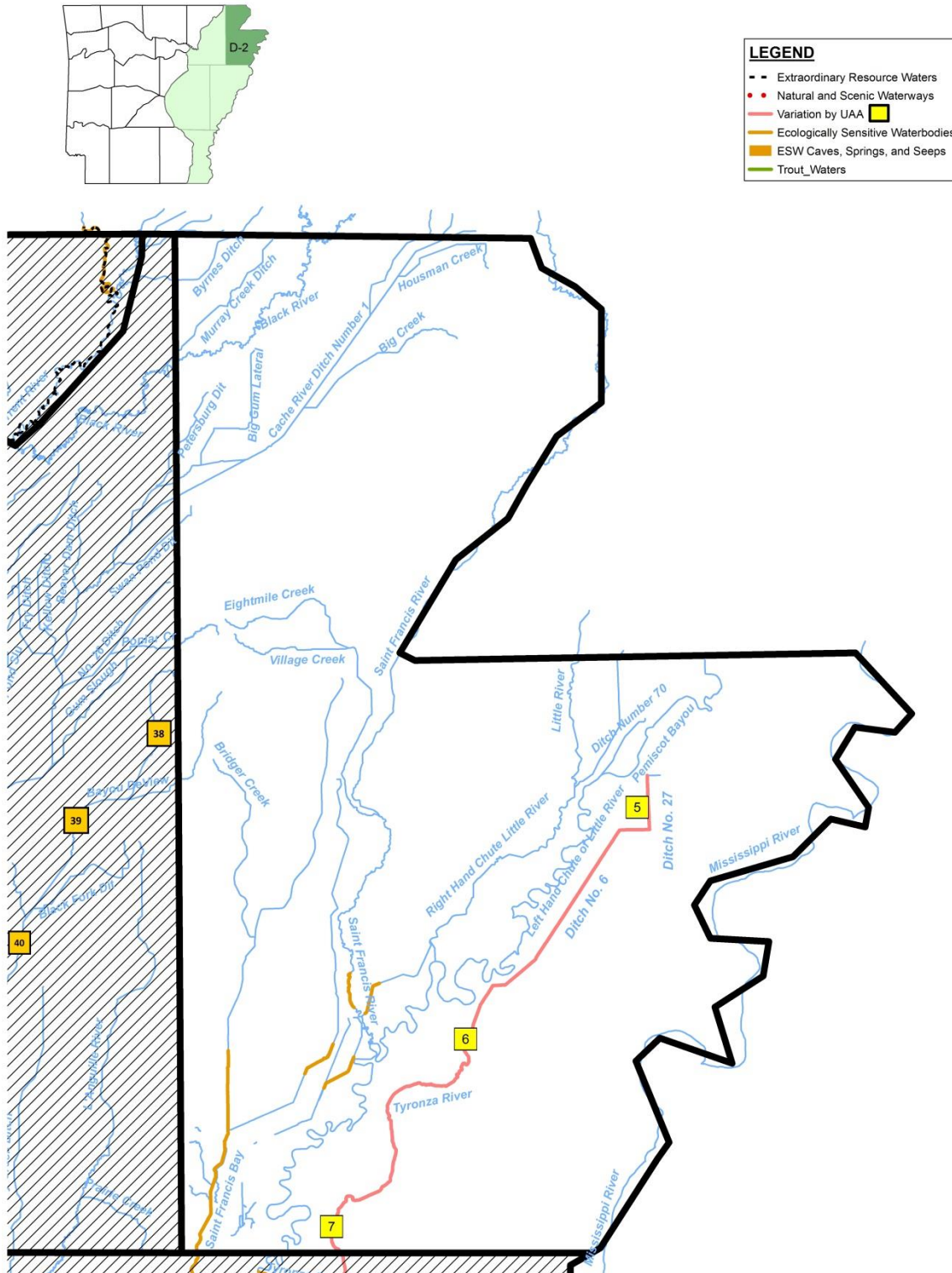


**LEGEND**

- - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout\_Waters

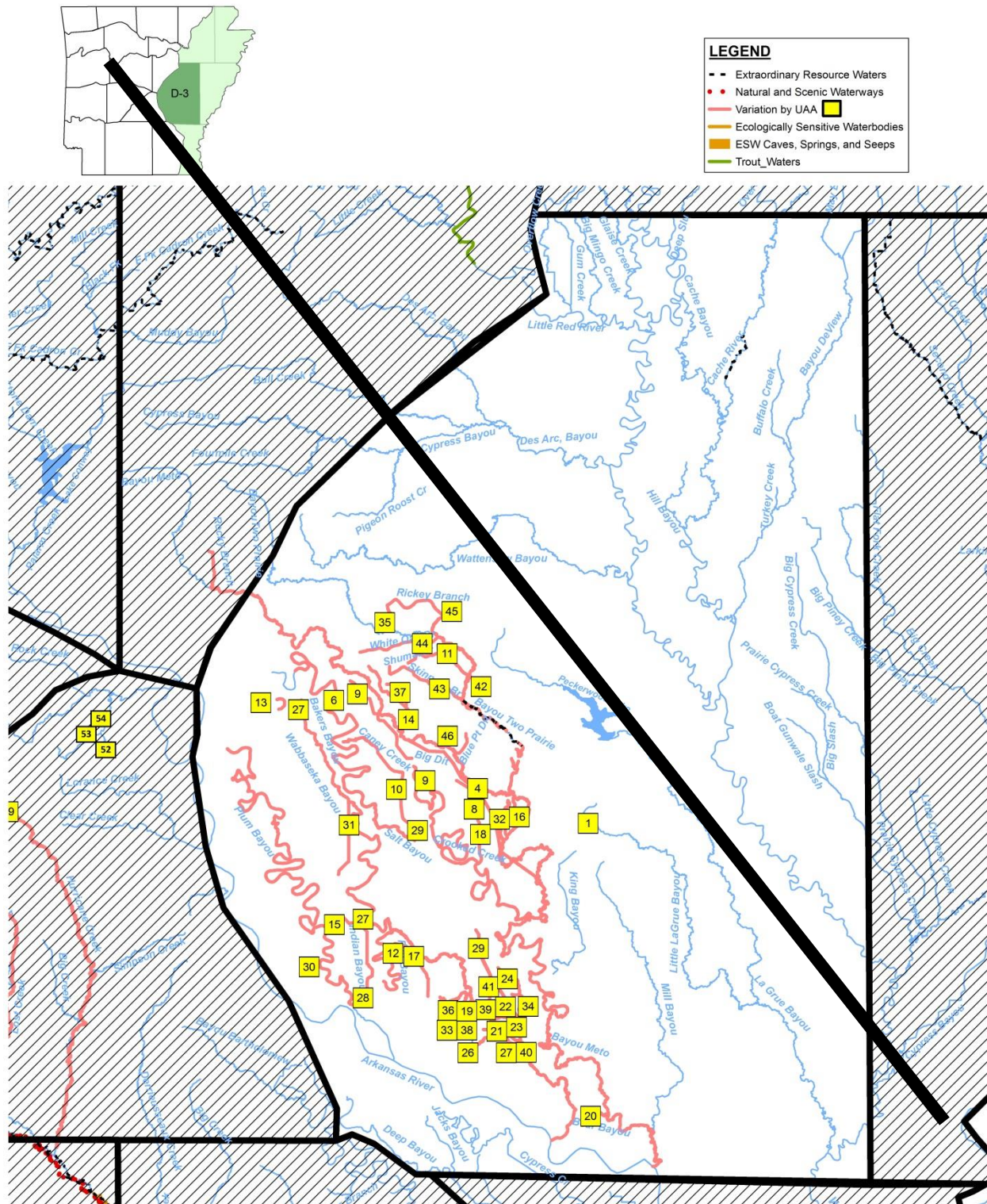


# Plate D-2 (Delta)

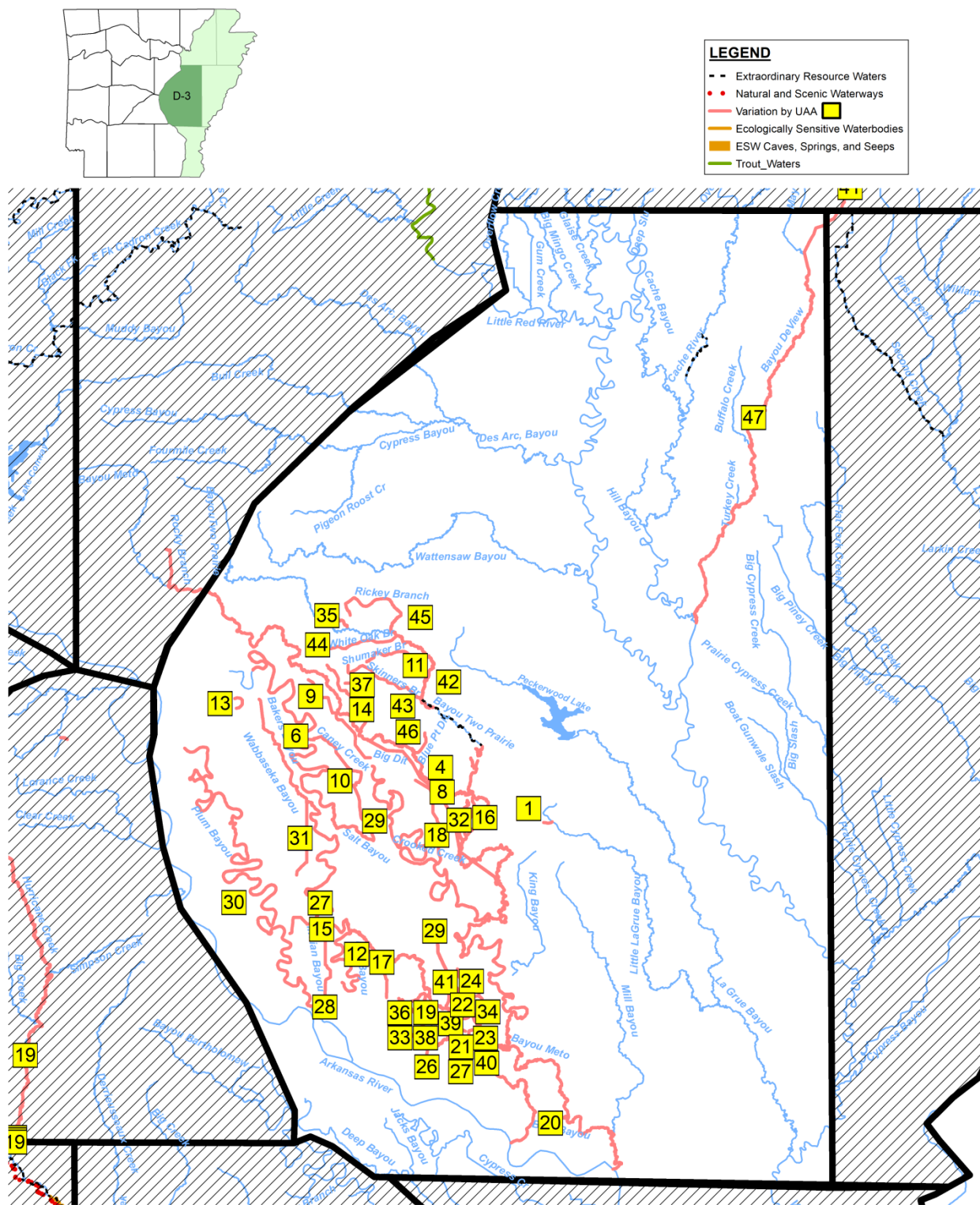




## Plate D-3 (Delta)

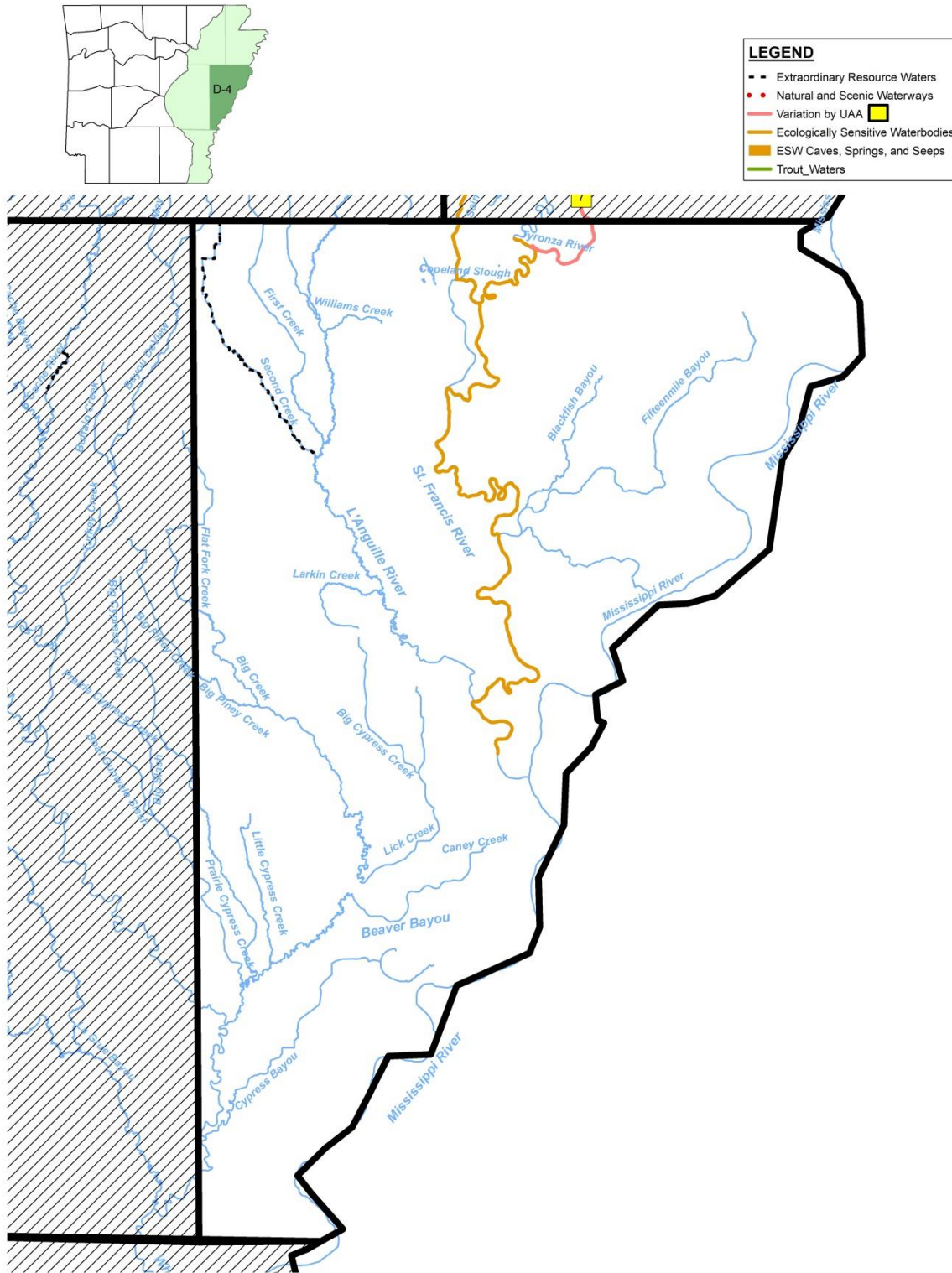


## Plate D-3 (Delta)

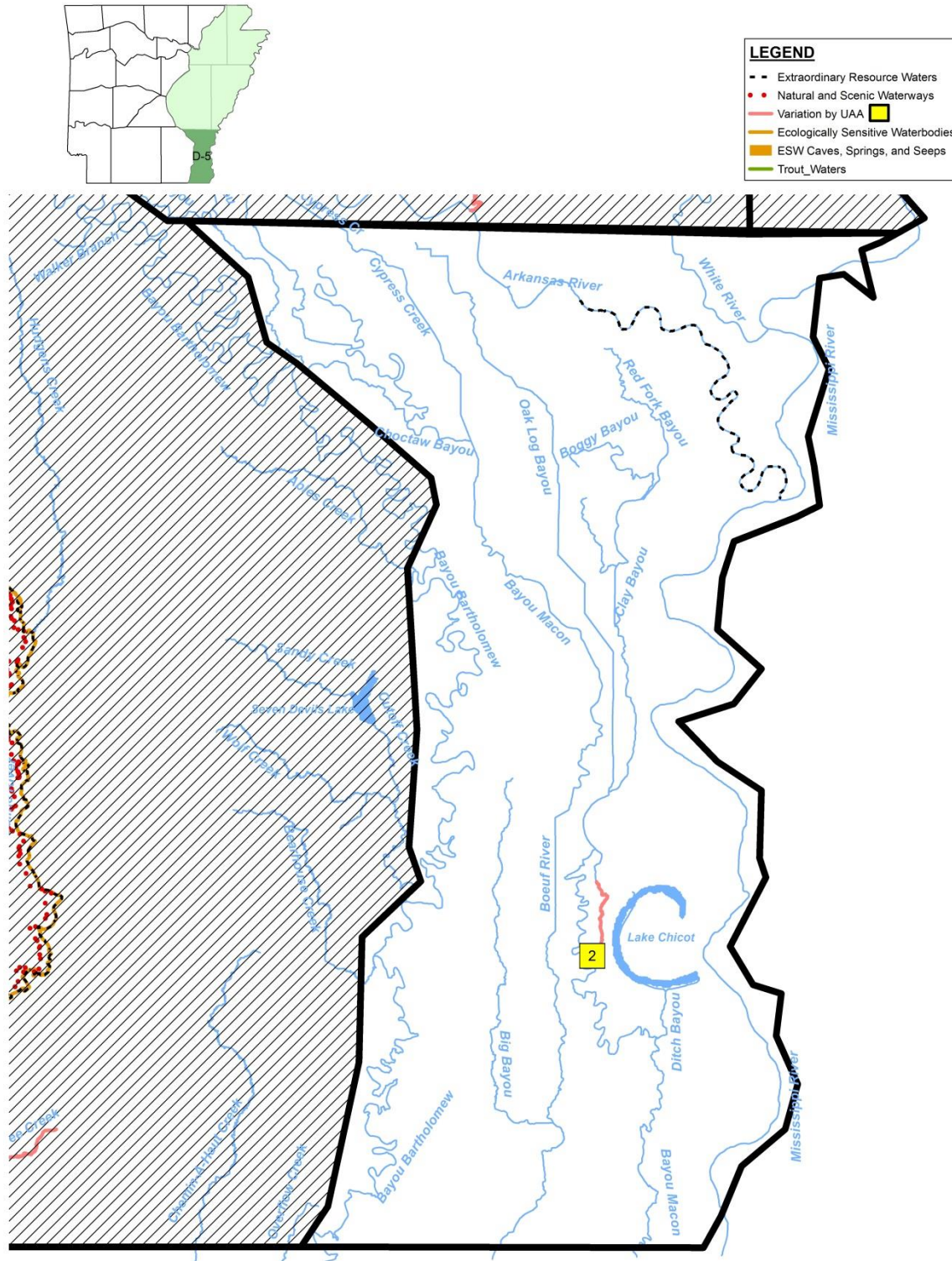




# Plate D-4 (Delta)



## Plate D-5 (Delta)





ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



**~~REGULATION~~ RULE NO. 2**

**APPENDIX B**

**Environmental Improvement Project**



**APPENDIX B: ENVIRONMENTAL IMPROVEMENT PROJECT**

Stricken language would be deleted from present law. Underlined language would be added to present law  
State of Arkansas *As Engrossed: S2/21/97*

81st General Assembly  
Regular Session, 1997

**A Bill**

ACT 401 OF 1997  
HOUSE BILL 1563

By: Representatives Sheppard, Wallis, Lancaster, Johnson, and Horn  
By: Senator Mahony

**For An Act To Be Entitled**

"AN ACT TO ENCOURAGE LONG-TERM ENVIRONMENTAL PROJECTS; AND  
FOR OTHER PURPOSES."

**Subtitle**

"AN ACT TO ENCOURAGE LONG-TERM  
ENVIRONMENTAL PROJECTS."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

**SECTION 1. Legislative Findings and Intent.**

The General Assembly hereby finds that many areas of the state would benefit from long-term environmental remediation projects that significantly improve the effects caused by industrial or extractive activities. However, commitments by private enterprise to remedy such damages are discouraged by the prospect of civil liability based upon rigid application of state water quality standards to the enterprises activities. The purpose of this act is to preserve the states approach to establishing water quality standards, while also encouraging private enterprises to make significant improvements to closed or abandoned sites that are of such magnitude that more than three (3) years will be required to complete the project.

**SECTION 2. Definitions and Applicability.**

For the purposes of this act:

(1) "Long-term Improvement Project" or "Project" means any remediation or reclamation project at closed or abandoned:

- (A) Mineral Extraction Sites;
- (B) Solid Waste Management Units as defined pursuant to the Arkansas Hazardous Waste Management Act;
- (C) Oil and Gas Extraction Sites;
- (D) Brownfield Sites as defined in Act 125 of 1995 or as may be amended; and
- (E) Hazardous Substance Sites listed on the National Priority List (42 U.S.C. Section 9605), or State Priority List (Arkansas Code 8-7-509(e), or as may be amended.

(2) "Water Quality Standard" means standards developed through administrative rulemaking by the Commission;

(3) "Commission" means the Arkansas Pollution Control and Ecology Commission; and

(4) "Department" means the Arkansas Department of Pollution Control and Ecology.

1           SECTION 3. Procedures for approval of environmental projects, contents of  
2 applications, and public notice.

3           (a) A petitioner seeking approval of a change in water quality standards to accommodate  
4 a long-term environmental improvement project shall file with the Department a Notice of Intent,  
5 which includes as a minimum:

6                   (1) A description of the water body or stream segment affected by the project;

7                   (2) The existing ambient water quality for the use of criteria at issue;

8                   (3) The affected water quality standard;

9                   (4) The modifications sought;

10                  (5) The proposed remediation activities;

11                  (6) A proposed Remediation Plan, which shall contain:

12                           (A) A description of the existing conditions, including identification of  
13 the conditions limiting the attainment of the water quality standards;

14                           (B) A description of the proposed water quality standard modification,  
15 both during and post project;

16                           (C) A description of the proposed remediation plan; and

17                           (D) The anticipated collateral effects, if any, of the Remediation Plan; and

18                  (7) A schedule for implementing the Remediation Plan that ensures that the post  
19 project water quality standards are met as soon as reasonably practicable.

20           (b) The department shall cause notice of the proposed project and associated water  
21 quality standard changes described in subsection (a) to be published for public notice and  
22 comment in the same manner as provided for permit applications in Arkansas Code 8-4-203(b),  
23 and shall advise the public that the details of the proposed project are available for public review.

24           (c) After considering comments from the public, the department shall notify the  
25 petitioner as to whether the proposed project is approved or denied. The department may deny  
26 approval of a project if it reasonably concludes that the plan is not complete, the plan is not  
27 technically sound, the schedule is unrealistic, the plan will not have an overall beneficial effect  
28 for the environment, or other appropriate reasons. Any department determination on the  
29 approval or denial of a project is subject to the appeal procedures applicable to permitting  
30 decisions set out in Arkansas Code 8-4-205.

31           (d) Upon approval of the project for further development, the petitioner shall prepare  
32 documentation required for third-party rulemaking by Arkansas Code 8-4-202 and established in  
33 administrative procedures.  
34

#### 35           SECTION 4. Modification of Water Quality Standards.

36           (a) The commission may approve a modification where the water quality standard is not  
37 being maintained due to conditions which may, in part or in whole, be corrected through the  
38 implementation of long-term measures. The commission shall establish such subcategory of use  
39 and modify such general and specific standards as it deems appropriate to reflect such  
40 modification while ensuring that the fishable/swimmable use is maintained. In all water quality  
41 standard changes associated with long-term environmental projects, the remedial action plan  
42 described in subsection (a) of Section 3 of this act shall be incorporated by reference in the  
43 statement of basis and purpose of the rule and shall be considered an essential condition of the  
44 modified water quality standard.

45           (b) Once the commission approves a water quality standard modification, the department  
46 shall ensure that conditions and limitations designed to achieve compliance with the plan are

1 established in applicable discharge permits, consent administrative orders, or such other  
2 enforcement measures deemed appropriate by the department. The department may allow  
3 modifications by the petitioner to the remediation plan and schedule as is deemed appropriate,  
4 provided that any such modifications to the original remedial action plan shall not render the  
5 project significantly less protective of the applicable use subcategory. Should the department  
6 find that the petitioner is not acting in good faith to complete the project in accordance with the  
7 approved plan, applicable and appropriate enforcement authority may be exercised subject to  
8 appeal to the commission.

9 (c) The department or the petitioner shall report annually to the commission on the  
10 progress of the project.

11  
12 SECTION 5. Project Completion.

13 At the end of the project the post project water quality standards shall be in full force and  
14 effect.

15  
16 SECTION 6. All provisions of this act of a general and permanent nature are amendatory  
17 to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall  
18 incorporate the same in the Code.

19  
20 SECTION 7. If any provision of this act or the application thereof to any person or  
21 circumstance is held invalid, such invalidity shall not affect other provisions or applications of  
22 the act which can be given effect without the invalid provision or application, and to this end the  
23 provisions of this act are declared to be severable.

24  
25 SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.  
26  
27  
28

29 /s/Sheppard et al  
30 APPROVED:3-07-97  
31



# **~~REGULATION~~ RULE NO. 2**

## **APPENDIX C**

**Scientific Names of Aquatic Biota**





## APPENDIX C: SCIENTIFIC NAMES OF AQUATIC BIOTA

<b><u>Common Name</u></b>	<b><u>Species</u></b>	<b><u>Family</u></b>
Banded sculpin	<i>Cottus carolinae</i>	Cottidae
Banded pygmy sunfish	<i>Elassoma zonatum</i>	Elassomatidae
Bigeye shiner	<i>Notropis boops</i>	Cyprinidae
Black redhorse	<i>Moxostoma duquesnei</i>	Catostomidae
Blackside darter	<i>Percina maculata</i>	Percidae
Blacktail redhorse	<i>Moxostoma poecilurum</i>	Catostomidae
Blacktail shiner	<i>Cyprinella venusta</i>	Cyprinidae
Bleeding shiner	<i>Luxilus zonatus</i>	Cyprinidae
Bluegill	<i>Lepomis macrochirus</i>	Centrarchidae
Bluntnose minnow	<i>Pimephales notatus</i>	Cyprinidae
Bluntnose darter	<i>Etheostoma chlorosoma</i>	Percidae
Cardinal shiner	<i>Luxilus cardinalus</i>	Cyprinidae
Carp	<i>Cyprinus carpio</i>	Cyprinidae
Channel catfish	<i>Ictalurus punctatus</i>	Ictaluridae
Creek chubsucker	<i>Erimyzon oblongus</i>	Catostomidae
Creole darter	<i>Etheostoma collettei</i>	Percidae
Current River darter	<i>Etheostoma uniporum</i>	Percidae
Drum	<i>Aplodinotus grunniens</i>	Sciaenidae
Dusky darter	<i>Percina sciera</i>	Percidae
Duskystripe shiner	<i>Luxilus pilsbryi</i>	Cyprinidae
Emerald shiner	<i>Notropis atherinoides</i>	Cyprinidae
Fantail darter	<i>Etheostoma flabellare</i>	Percidae
Flier	<i>Centrarchus macropterus</i>	Centrarchidae
Freckled madtom	<i>Noturus nocturnus</i>	Ictaluridae
Gizzard shad	<i>Dorosoma cepedianum</i>	Clupeidae
Golden redhorse	<i>Moxostoma erythrurum</i>	Catostomidae
Redfin pickerel	<i>Esox americanus</i>	Esocidae
Gravel chub	<i>Erimystax x-punctatus</i>	Cyprinidae
Green sunfish	<i>Lepomis cyanellus</i>	Centrarchidae
Greenside darter	<i>Etheostoma blennioides</i>	Percidae
Largemouth bass	<i>Micropterus salmoides</i>	Centrarchidae
Longear sunfish	<i>Lepomis megalotis</i>	Centrarchidae
Longnose darter	<i>Percina nasuta</i>	Percidae
Madtoms	<i>Noturus sp.</i>	Ictaluridae
Mosquitofish	<i>Gambusia affinis</i>	Poeciliidae
Northern hogsucker	<i>Hypentelium nigricans</i>	Catostomidae
Northern studfish	<i>Fundulus catenatus</i>	Fundulidae
Orangebelly darter	<i>Etheostoma radiosum</i>	Percidae
Orangebelly darter	<i>Etheostoma radiosum</i>	Percidae
Orangethroat darter	<i>Etheostoma spectabile</i>	Percidae
Ozark madtom	<i>Noturus albater</i>	Ictaluridae
Ozark minnow	<i>Notropis nubilus</i>	Cyprinidae
Pirate perch	<i>Aphredoderus sayanus</i>	Aphredoderidae
Pugnose minnow	<i>Opsopoeodus emiliae</i>	Cyprinidae

**Common Name**

Rainbow darter  
Redfin darter  
Redfin shiner  
Ribbon shiner  
"Rock basses"  
Scaly sand darter  
Shadow bass  
Slender madtom  
Slough darter  
Smallmouth bass  
Smallmouth buffalo  
Southern redbelly dace  
Spotted bass  
Spotted sucker  
Spotted sunfish  
Spotted gar  
Strawberry River darter  
Striped shiner  
Tadpole madtom  
Warmouth  
Wedgespot shiner  
Whitetail shiner  
Yellow bullhead

**Species**

*Etheostoma caeruleum*  
*Etheostoma whipplei*  
*Lythrurus umbratilis*  
*Lythrurus fumeus*  
*Ambloplites sp.*  
*Ammocrypta vivax*  
*Ambloplites ariommus*  
*Noturus exilis*  
*Etheostoma gracile*  
*Micropterus dolomieu*  
*Ictiobus bubalus*  
*Chrosomus erythrogaster*  
*Micropterus punctulatus*  
*Minytrema melanops*  
*Lepomis punctatus*  
*Lepisosteus oculatus*  
*Etheostoma fragi*  
*Luxilus chrysocephalus*  
*Noturus gyrinus*  
*Lepomis gulosus*  
*Notropis greeni*  
*Cyprinella galactura*  
*Ameiurus natalis*

**Family**

Percidae  
Percidae  
Cyprinidae  
Cyprinidae  
Centrarchidae  
Percidae  
Centrarchidae  
Ictaluridae  
Percidae  
Centrarchidae  
Catostomidae  
Cyprinidae  
Centrarchidae  
Catostomidae  
Centrarchidae  
Lepisosteidae  
Percidae  
Cyprinidae  
Ictaluridae  
Centrarchidae  
Cyprinidae  
Cyprinidae  
Ictaluridae

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

~~ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION~~



~~REGULATION~~ RULE NO.  
2.

**APPENDIX D**

**List of Current Extraordinary Resource Waters,  
Ecologically Sensitive Waterbodies, and Natural and  
Scenic Waterways**

## **APPENDIX D: LIST OF CURRENT EXTRAORDINARY RESOURCE WATERS, ECOLOGICALLY SENSITIVE WATERBODIES, AND NATURAL AND SCENIC WATERWAYS**

### **Extraordinary Resource Waters**

<b>Stream Name</b>	<b>Ecoregion</b>	<b>Plate</b>
Alum Fork Saline River	Ouachita Mountains	OM-2
Archey Creek	Boston Mountains	BM-2
Arkansas River	Delta	D-5
Beech Creek	Boston Mountains	BM-3
Big Creek	Arkansas River Valley	ARV-3
Big Creek	Ozark Highlands	OH-4
Big Fork Creek	Ouachita Mountains	OM-1
Big Piney Creek	Boston Mountains	BM-2
Buffalo River	Boston Mountains	BM-1, BM-2
Buffalo River	Ozark Highlands	OH-2, OH-3
Bull Shoals Reservoir	Ozark Highlands	OH-2, OH-3
Cache River	Delta	D-3
Caddo River	Ouachita Mountains	OM-1, OM-2
Cadron Creek	Arkansas River Valley	ARV-2, ARV-3
Caney Creek	Ouachita Mountains	OM-1
Cossatot River	Ouachita Mountains	OM-1
Current River	Ozark Highlands	OH-4
DeGray Reservoir	Ouachita Mountains	OM-2
Devils Fork of Little Red River	Boston Mountains	BM-3
East Fork Cadron Creek	Arkansas River Valley	ARV-2, ARV-3
East Fork Illinois Bayou	Boston Mountains	BM-2
Eleven Point River	Ozark Highlands	OH-4
English Creek	Ozark Highlands	OH-4
Falling Water Creek	Boston Mountains	BM-2
Field Creek	Ozark Highlands	OH-4
Gut Creek	Ozark Highlands	OH-4
Hurricane Creek	Boston Mountains	BM-2
Illinois Bayou	Boston Mountains	BM-2
Kings River	Boston Mountains	BM-1
Kings River	Ozark Highlands	OH-2
Lake Ouachita	Ouachita Mountains	OM-1, OM-2
Lee Creek	Boston Mountains	BM-1
Lick Creek	Boston Mountains	BM-3
Little Missouri River	Ouachita Mountains	OM-1
Little Raccoon Creek	Boston Mountains	BM-3
Little Strawberry River	Ozark Highlands	OH-3
Middle Fork Illinois Bayou	Boston Mountains	BM-2
Middle Fork Little Red River	Boston Mountains	BM-2, BM-3

Middle Fork Saline River	Ouachita Mountains	OM-2
Moro Creek	Gulf Coastal Plain	GC-2
Mountain Fork River	Ouachita Mountains	OM-1
Mulberry River	Arkansas River Valley	ARV-1
Mulberry River	Boston Mountains	BM-1, BM-2
Myatt Creek	Ozark Highlands	OH-3, OH-4
North Fork Cadron Creek	Arkansas River Valley	ARV-2, ARV-3
North Fork Illinois Bayou	Boston Mountains	BM-2
North Fork Saline River	Ouachita Mountains	OM-2
North Sylamore Creek	Ozark Highlands	OH-3
Raccoon Creek	Boston Mountains	BM-3
Richland Creek	Boston Mountains	BM-2
Salado Creek	Boston Mountains	BM-3
Saline River	Gulf Coastal Plain	GC-2, GC-3
Saline River	Ouachita Mountains	OM-2
Second Creek	Delta	D-4
South Fork Caddo River	Ouachita Mountains	OM-1
South Fork Saline River	Ouachita Mountains	OM-2
South Fork Spring River	Ozark Highlands	OH-3, OH-4
Spring River	Ozark Highlands	OH-4
Strawberry River	Delta	D-1
Strawberry River	Ozark Highlands	OH-3, OH-4
Tomahawk Creek	Boston Mountains	BM-3
Turkey Creek	Boston Mountains	BM-3
Two Bayou Prairie	Delta	D-3

## Natural and Scenic Waterways

Stream Name	Ecoregion	Plate
Big Piney Creek	Boston Mountains	BM-2*
Brushy Creek	Ouachita Mountains	OM-1
Buffalo River	Boston Mountains	BM-1, BM-2
Buffalo River	Ozark Highlands	OH-2, OH-3
Cossatot River	Ouachita Mountains	OM-1
Hurricane Creek	Boston Mountains	BM-2*
Kings River	Boston Mountains	BM-1
Kings River	Ozark Highlands	OH-2
Little Missouri River	Ouachita Mountains	OM-1
Mulberry River	Arkansas River Valley	ARV-1
Mulberry River	Boston Mountains	BM-1, BM-2
North Sylamore Creek	Ozark Highlands	OH-3*
Richland Creek	Boston Mountains	BM-2*
Saline River	Gulf Coastal Plain	GC-3
Strawberry River	Ozark Highlands	OH-3, OH-4

\* As designated in the National Wild and Scenic Rivers System



## **Ecologically Sensitive ~~Water Bodies~~ Waterbodies**

<b>Stream Name</b>	<b>Ecoregion</b>	<b>Plate</b>
Alum Fork Saline River	Ouachita Mountains	OM-2
Archey Creek	Boston Mountains	BM-2
Beech Fork	Boston Mountains	BM-3
Black River	Delta	D-1
Brushy Creek	Ouachita Mountains	OM-1
Caddo River	Ouachita Mountains	OM-1
Caney Creek	Ouachita Mountains	OM-1
Collier Creek	Ouachita Mountains	OM-1
Cossatot River	Ouachita Mountains	OM-1
Current River	Ozark Highlands	OH-4
Departee Creek	Delta	D-1
Devils Fork Little Red River	Boston Mountains	BM-3
Eleven Point River	Ozark Highlands	OH-4
Grassy Lake	Gulf Coastal Plain	GC-1
Illinois River	Ozark Highlands	OH-1
Little Missouri River	Ouachita Mountains	OM-1
Little Raccoon Creek	Boston Mountains	BM-3
Little <del>Red</del> River	Gulf Coastal Plain	GC-1
Little Strawberry River	Ozark Highlands	OH-3
Lick Creek	Boston Mountains	BM-3
Lick Creek	Ouachita Mountains	OM-1
Mayberry Creek	Ouachita Mountains	OM-2
Middle Fork Little Red River	Boston Mountains	BM-2, BM-3
Middle Fork Saline River	Ouachita Mountains	OM-2
Mill Creek	Ouachita Mountains	OM-1
Missouri River	Gulf Coastal Plain	GC-2
Mountain Fork River	Ouachita Mountains	OM-1
North Fork Saline River	Ouachita Mountains	OM-2
Otter Creek	Ozark Highlands	OH-3
Ouachita River	Ouachita Mountains	OM-1
Ouachita River	Gulf Coastal Plain	GC-2, GC-4
Polk Creek	Ouachita Mountains	OM-1
Robinson Creek	Ouachita Mountains	OM-1
St. Francis River	Delta	D-4
Saline River	Ouachita Mountains	OM-2
Saline River	Gulf Coastal Plain	GC-3
South Fork Caddo River	Ouachita Mountains	OM-1
South Fork Ouachita River	Ouachita Mountains	OM-1
South Fork Saline River	Ouachita Mountains	OM-2
Ten Mile Creek	Ouachita Mountains	OM-2
Raccoon Creek	Boston Mountains	BM-3
Right Hand Chute Little River	Delta	D-2
Rock Creek	Ouachita Mountains	OM-1

Rock Creek	Ozark Highlands	OH-4
South Fork Little Red River	Boston Mountains	BM-2
Spring River	Ozark Highlands	OH-4
Straight Slough	Delta	D-2, D-4
Strawberry River	Ozark Highlands	OH-3, OH-4
Tomahawk Creek	Boston Mountains	BM-3
Turkey Creek	Boston Mountains	BM-3
Various springs & spring-fed tributaries		
White River	Ozark Highlands	OH-1, OH-2, OH-3
Yellow Creek	Boston Mountains	BM-1
	Gulf Coastal Plain	GC-1

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

~~ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION~~



~~REGULATION~~ RULE NO.  
2.  
APPENDIX E

**Criteria to be Considered in Determining Whether the  
Designated Use of Extraordinary Resource Water,  
Ecologically Sensitive Waterbody, or Natural and  
Scenic Waterway Should be Maintained**



## **APPENDIX E: CRITERIA TO BE CONSIDERED IN DETERMINING WHETHER THE DESIGNATED USE OF EXTRAORDINARY RESOURCE WATER, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY SHOULD BE MAINTAINED**

The determination of whether a designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway should be maintained in a given waterbody must be made on a case by case basis. At least 180 days prior to filing any petition authorized under ~~Reg.~~Rule 2.310 to initiate rulemaking with the Commission to remove the designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway from a free flowing waterbody for the purpose of constructing a reservoir to provide a domestic water supply, the petitioner shall submit to the ~~Department~~Division information and supporting documentation which address each of the following:

- (A) Describe generally and specifically the state of the existing water quality;
- (B) Identify the presence of key and indicator species of fish adapted to flowing water systems and state the extent to which these species are present in the waterbody;
- (C) Describe the extent to which water quality and physical habitat, including wetlands, support other plant or animal life and identify the species;
- (D) Identify the presence of, and state the extent to which, other wildlife uses are dependent upon the waterbody;
- (E) State the extent to which water quality and physical habitat support threatened, endangered, or endemic aquatic or semi-aquatic species and identify those species;
- (F) Specify the extent to which the waterbody supports a high diversity of aquatic species and identify the presence and frequency of the species;
- (G) Describe and identify the extent to which physical or chemical characteristics of the waterbody provide an unusual or uncommon aquatic habitat;
- (H) Describe the extent to which physical or chemical characteristics give the waterbody unusual or unique aesthetic attributes;
- (I) Specify the extent of the use of the waterbody for recreation in or on the water, such as fishing, swimming, and boating (including but not limited to canoeing, kayaking, or rafting), or use of the waterbody for commercial activity, including tourism;
- (J) Identify and describe the intangible social values associated with the free flowing characteristics of the waterbody;
- (K) Identify the presence and location of gorges, rapids, waterfalls, or other significant geologic features;
- (L) Identify the presence and location of scenic areas and sites potentially impacted by the reservoir;
- (M) Identify the presence and location of rare and/or irreplaceable natural areas potentially impacted by the reservoir;

- (N) Identify the presence and location of known archeological sites potentially impacted by the reservoir;
- (O) Identify the presence and location of historic resources potentially impacted by the reservoir;
- (P) Delineate the extent to which the waterbody is located within the boundaries of, flows through, or is adjacent to state or federal forest land, parks, natural areas, nature preserves, refuges, or wildlife management areas;
- (Q) Describe the extent to which the waterbody is used for educational, scientific, or research purposes;
- (R) Identify the waterbody's use or potential use as an ecoregion reference stream;
- (S) Describe the land uses, and the geographical extent of each, occurring within the watershed;
- (T) Identify the presence and location of all permitted point sources discharging to the waterbody;
- (U) Identify the presence and location of existing alterations, diversions or man-made impoundments; and
- (V) Provide the frequency of occasions when there is no natural flow in the waterbody, and the Q7-10 flow values for the waterbody.

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

~~ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION~~



~~REGULATION~~ RULE NO.  
2.

**APPENDIX F**

**Factors Considered In Adding the Designated Use of  
Extraordinary Resource Water, Ecologically Sensitive  
Waterbody, or Natural and Scenic Waterway to a  
Waterbody or Waterbody Segment**



## **APPENDIX F: FACTORS CONSIDERED IN ADDING THE DESIGNATED USE OF EXTRAORDINARY RESOURCE WATER, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY TO A WATERBODY OR WATERBODY SEGMENT**

The Commission shall consider the following supporting documentation in determining whether a waterbody should be designated as an Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway:

- (A) Location – The waterbody is within the boundaries of or flows through or is adjacent to state or federal forest land, parks, natural areas, nature preserves, refuges, or wildlife management areas, or the watershed may include remote, primitive, or relatively undeveloped areas;
- (B) Existing water quality – pristine, naturally-occurring, or unique;
- (C) Ecological value – The presence of water quality and physical habitat that supports threatened, endangered, or sensitive species, the presence of any threatened, endangered, or sensitive species, and/or water quality that supports an exceptional high diversity of aquatic species (fish or benthic macroinvertebrates) as categorized by an appropriate index of biological integrity (IBI) protocol;
- (D) Presence of physical or chemical characteristics that provide an unusual or uncommon aquatic habitat;
- (E) Special attributes of the waterbody that make it an outstanding resource, including but not limited to the presence of archeological sites, historical sites, or rare or valuable wildlife habitat;
- (F) Aesthetic Value- the presence of scenic areas or sites or scenic beauty resulting from natural features of the basin such as flow, topography, geology, ecology, physiography (i.e., waterfalls, gorges, rapids, or other special features), or the presence of characteristics giving the waterbody unique or unusual attributes;
- (G) Recreational Value- Use of the waterbody for:
  - (1) Fishing, rafting, kayaking, camping, family outings, backpacking, bird watching, etc.,
  - (2) Presence of hiking trails or scenic road or highway alongside, and
  - (3) Attracting tourism;
- (H) Use of the waterbody for educational, scientific, or research purposes;
- (I) Presence of rare and/or irreplaceable natural areas; and
- (J) Impacts the designation may have on current uses, upstream users, downstream users, and potential future uses of the waterbody or waterbody segment.

# **Exhibit B:**

## **GOVERNOR APPROVAL**

**From:** [Wassell, Stacie](#)  
**To:** [Barnett, Mary](#)  
**Subject:** FW: Re: Fwd: PC&E Rule 2 - Update on Request to Initiate  
**Date:** Monday, June 1, 2020 5:07:37 PM  
**Attachments:** [image001.png](#)  
[image001.png](#)

---

FYI

**Stacie R. Wassell** | Attorney Specialist  
**Arkansas Energy and Environment | Office of Chief Counsel**  
5301 Northshore Drive | North Little Rock, AR 72118-5317  
501.682.0886 | [wassell@adeq.state.ar.us](mailto:wassell@adeq.state.ar.us)  
Adobe Systems



---

**From:** McAlister, Michael  
**Sent:** Monday, June 1, 2020 4:33 PM  
**To:** Wassell, Stacie; Hicks, Basil  
**Subject:** Fwd: Re: Fwd: PC&E Rule 2 - Update on Request to Initiate

Fyi

----- Original Message -----

**From:** "McAlister, Michael" <MCALISTER@adeq.state.ar.us>  
**Date:** Mon, June 01, 2020 4:22 PM -0500  
**To:** Shane Khoury <shane.khoury@aogc.state.ar.us>  
**Subject:** Re: Fwd: PC&E Rule 2 - Update on Request to Initiate

Good news!

----- Original Message -----

**From:** Shane Khoury <Shane.Khoury@aogc.state.ar.us>  
**Date:** Mon, June 01, 2020 4:15 PM -0500  
**To:** "Keogh, Becky" <keogh@adeq.state.ar.us>, "Linck, Julie" <Linck@adeq.state.ar.us>, "Simpson, Mitchell" <simpson@adeq.state.ar.us>  
**CC:** Alan York <alan.york@aogc.state.ar.us>, "Alberg, Peter" <Peter.Alberg@adeq.state.ar.us>, "McAlister, Michael" <MCALISTER@adeq.state.ar.us>, Shane Khoury <shane.khoury@aogc.state.ar.us>  
**Subject:** Fwd: PC&E Rule 2 - Update on Request to Initiate

FYI.

----- Forwarded message -----

From: **Andres F. Rhodes** <[andres.rhodes@governor.arkansas.gov](mailto:andres.rhodes@governor.arkansas.gov)>  
Date: Mon, Jun 1, 2020 at 3:57 PM  
Subject: Re: PC&E Rule 2 - Update on Request to Initiate  
To: [shane.khoury@aogc.state.ar.us](mailto:shane.khoury@aogc.state.ar.us) <[Shane.Khoury@aogc.state.ar.us](mailto:Shane.Khoury@aogc.state.ar.us)>, Caleb Stanton <[Caleb.Stanton@governor.arkansas.gov](mailto:Caleb.Stanton@governor.arkansas.gov)>  
CC: [linck@adeq.state.ar.us](mailto:linck@adeq.state.ar.us) <[linck@adeq.state.ar.us](mailto:linck@adeq.state.ar.us)>

Shane,

The Governor has approved this rule. Please continue with the promulgation process.

-Andrés

---

**From:** Shane Khoury <[aogc.skhoury@gmail.com](mailto:aogc.skhoury@gmail.com)> on behalf of Shane Khoury <[Shane.Khoury@aogc.state.ar.us](mailto:Shane.Khoury@aogc.state.ar.us)>  
**Reply-To:** "[shane.khoury@aogc.state.ar.us](mailto:shane.khoury@aogc.state.ar.us)" <[Shane.Khoury@aogc.state.ar.us](mailto:Shane.Khoury@aogc.state.ar.us)>  
**Date:** Tuesday, April 21, 2020 at 2:59 PM  
**To:** Caleb Stanton <[Caleb.Stanton@governor.arkansas.gov](mailto:Caleb.Stanton@governor.arkansas.gov)>, "Andres F. Rhodes" <[andres.rhodes@governor.arkansas.gov](mailto:andres.rhodes@governor.arkansas.gov)>  
**Cc:** Shane Khoury <[Shane.Khoury@aogc.state.ar.us](mailto:Shane.Khoury@aogc.state.ar.us)>, "[linck@adeq.state.ar.us](mailto:linck@adeq.state.ar.us)" <[linck@adeq.state.ar.us](mailto:linck@adeq.state.ar.us)>  
**Subject:** PC&E Rule 2 - Update on Request to Initiate

Good Afternoon,

Secretary Keogh asked that I inquire about the status of the request to initiate changes to PC&E Rule 2. This one has a federal component that requires review at certain times.

Hope all is well.

-Shane

**Shane E. Khoury**  
**Energy & Environment | Chief Counsel**  
**Oil & Gas Commission | Deputy Director**  
t: 501.683.5814 | e: [shane.khoury@aogc.state.ar.us](mailto:shane.khoury@aogc.state.ar.us)  
**cid:image001.png@01D617ED.6C394970**



--

Sent from my iPhone

# **Exhibit C:**

## **LEGISLATIVE QUESTIONNAIRE**

**QUESTIONNAIRE**  
**FOR FILING PROPOSED RULES WITH THE**  
**ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY \_\_\_\_\_  
DIVISION \_\_\_\_\_  
DIVISION DIRECTOR \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_ E-MAIL \_\_\_\_\_  
NAME OF PRESENTER AT COMMITTEE MEETING \_\_\_\_\_  
PRESENTER E-MAIL \_\_\_\_\_

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5th Floor  
Little Rock, AR 72201

\*\*\*\*\*

1. What is the short title of this rule?

2. What is the subject of the proposed rule?

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes No

If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

**5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.**

**Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.**

**Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”**

**6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.**

**7. What is the purpose of this proposed rule? Why is it necessary?**



8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

\_\_\_\_\_

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

\_\_\_\_\_

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. \_\_\_\_\_

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). \_\_\_\_\_

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

# **Exhibit D:**

## **FINANCIAL IMPACT STATEMENT**

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** \_\_\_\_\_  
**DIVISION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** \_\_\_\_\_ **FAX NO.** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

### **SHORT TITLE OF THIS RULE**

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
- Yes      No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

# Exhibit E:

## Economic Impact/ Environmental Benefit Analysis

**ECONOMIC IMPACT STATEMENT  
OF PROPOSED RULES OR REGULATIONS EO  
05-04: Regulatory Flexibility**

Department of Energy and Environment, Division of Environmental Quality - Office of

Water Quality Contact Person Robert Blanz, PhD, P.E. Date June 3, 2020

Contact Phone 501.682.0929 Contact Email: blanz@adeq.state.ar.us

Title or Subject: Arkansas Pollution Control and Ecology Commission Regulation No.2

**Benefits of the Proposed Rule or Regulation**

1. Explain the need for the proposed change(s). Did any complaints motivate you to pursue regulatory action? If so, Please explain the nature of such complaints.

The federal Clean Water Act requires a triennial review of states water quality standards. EPA Region 6 Record of Decision for the 2013 triennial review of Reg. 2 necessitated revisions of standards that were either disapproved or had "no action" taken. Grammar, punctuation, and formatting revisions will provide clarity and consistency within the Reg.

2. What are the top three benefits of the proposed rule or regulation?

Continued protection of the historical, cultural, and recreational significance of waters of the state. Continued preservation of the water quality of waters of the state. Continued general protection of human health and the environment.

3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?

Unclear sections and inconsistencies could lead to misinterpretation and thereby under-protection of waters of the state. Not correcting EPA necessitated revisions will lead to the state and EPA maintaining different versions of the state's water quality standards.

4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed regulation and state the reason(s) for not selecting those alternatives.

NA

**Impact of Proposed Rule or Regulation**

5. Estimate the cost to state government of *collecting information, completing paperwork, filing recordkeeping, auditing and inspecting* associated with this new rule or regulation.

This rule will not result in any cost to state government.

6. What types of small businesses will be required to comply with the proposed rule or regulation? Please estimate the number of small businesses affected.

This proposed rule will not impact small business.



7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary.

No.

8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance.

This proposed rule will not impact small businesses.

9. State whether the proposed regulation contains different requirements for different sized entities, and explain why this is, or is not, necessary.

This proposed rule does not contain different requirements for different sized entities.

10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation.

This proposed rule will not impact small businesses.

11. How does this rule or regulation compare to similar rules and regulations in other states or the federal government?

The federal Clean Water Act requires states to develop water quality standards. All 50 states and multiple tribes have water quality standards in place.

12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation.

This proposed rule will not impact small businesses.

# **Exhibit F:**

## **Proposed Minute Order**

**ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate  
Rulemaking - Rule 2**

**Docket No. 20\_\_\_\_-R**

**MINUTE ORDER NO. 20-\_\_\_\_**

**PAGE 1 OF 3**

---

On June 12, 2020, the Department of Energy and Environment, Division of Environmental Quality (DEQ) filed a Petition to Initiate Rulemaking to Amend Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. The Petition has been designated as Docket No. 20-\_\_\_\_-R.

The Commission met on June 26, 2020, to review the Petition and institute a rulemaking proceeding to consider adopting the proposed amendments to Regulation No. 2. The Commission also recommends adoption of the following procedures and schedule:

1. DEQ will file an original and one (1) copy in Word of all materials required under this Minute Order.
2. DEQ will publish notice of this rulemaking in a newspaper of general circulation for two (2) consecutive days.
3. A public hearing will be conducted on July 29, 2020, at 2:00 p.m. in the Commission Room, 5301 Northshore Drive, North Little Rock, Arkansas.
4. The period for receiving all written comments concludes ten (10) business days after the date of the public hearing, at 4:30 p.m. on August 12, 2020, unless an extension of time is granted. Persons submitting written public comments shall submit them to DEQ. DEQ will deliver public comments to the Commission Secretary within ten (10) business days after the close of public comments.
5. After the period for public comment, DEQ shall file with the Commission a Statement of Basis and Purpose and Responsive Summary as required by Reg. 8.814 and Reg. 8.815. In addition, DEQ shall file a proposed Minute Order deciding this matter.
6. The Commission may consider this matter at their October 23, 2020, meeting, unless the public comment period is extended. The Commission may ask questions of any persons who made oral or written comments.
7. At the Commission meeting, the presentation of oral statements and legal arguments will be regulated as follows:
  - a. The Chair of the Commission will permit members of the public to make a statement to the Commission. No more than three (3) minutes will be allowed for each statement. The period for statements will close at the end of one (1) hour, or sooner if all interested persons have completed their statements. At the discretion

**ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate  
Rulemaking - Rule 2**

**Docket No. 20\_\_\_\_-R**

**MINUTE ORDER NO. 20-\_\_\_\_**

**PAGE 2 OF 3**

---

of the Chair, the one (1) hour oral statement period may be extended.

- b. At the discretion of the Chair, an attorney representing one (1) or more individuals, a corporation, or other legal entity may be permitted five (5) minutes to address the Commission.
- c. DEQ shall be permitted ten (10) minutes to address the Commission.
- d. At the conclusion of all statements, the Chair will call on each Commissioner for the purpose of asking the attorneys or persons sponsoring statements who are present for any questions they have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.
- e. After each Commissioner has had an opportunity to ask questions, the Chair will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

8. Pursuant to Reg. 8.812, DEQ shall prepare an economic impact and environmental benefit analysis based on information that is reasonably available.

9. DEQ shall seek review of the proposed rule from the Joint Interim Committee on Administrative Rules of Legislative Council, and if required, the Joint Interim Committee on Public Health and Welfare and Labor. If the General Assembly is in session and chooses to review the proposed rule amendments, DEQ may seek review by the designated committees and subcommittees.

The Commission hereby initiates the rulemaking proceeding in this docket. The Commission adopts, without modification, the procedural schedule set forth above.

**ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate  
Rulemaking – Rule 2**

**MINUTE ORDER NO. 20-\_\_\_\_\_**

**Docket No.20\_\_\_\_\_-R**

**PAGE 3 OF 3**

---

**COMMISSIONERS:**

\_\_\_\_\_**L. Bengal**  
\_\_\_\_\_**A. Bigger**  
\_\_\_\_\_**C. Colclasure**  
\_\_\_\_\_**J. Fox**  
\_\_\_\_\_**M. Goggans**  
\_\_\_\_\_**D. Haak**  
\_\_\_\_\_**B. Holland**  
\_\_\_\_\_**R. McMullen**

\_\_\_\_\_**D. Melton**  
\_\_\_\_\_**R. Moss, Jr**  
\_\_\_\_\_**R. Reynolds**  
\_\_\_\_\_**R. Roper**  
\_\_\_\_\_**D. Vandergriff**  
\_\_\_\_\_**W. Ward**  
\_\_\_\_\_**B. White**

\_\_\_\_\_  
**D. Melton Chair**

**PASSED: \_\_\_\_\_/2020**



# ARKANSAS

## ENERGY & ENVIRONMENT

To: Arkansas Pollution Control and Ecology Commission

From: Becky Keogh, Director *Becky W Keogh*

Date: 06/18/20

Please find the following list of permits issued during the Month of May 2020

Permit Type	Permit Number	Permittee	Permit Issuance Date	Description of Permitting Action
Air	1868-AGP-083	Enable Midstream Partners, LP - Franklin Compressor Station	5/28/20	General Permit for Natural Gas Compressor Station - Modified - Enable Midstream Partners, LP - Franklin Compressor Station
Air	2419-A-REG315	XTO Energy, Inc. - Hurricane 4 Compressor Station	5/28/20	Registration - Initial (New) Registration - XTO Energy, Inc. - Hurricane 4 Compressor Station
Air	1868-AGP-129	DeSoto Gathering Company, LLC - Tiger CPF-1	5/28/20	General Permit for Natural Gas Compressor Station - Modified - DeSoto Gathering Company, LLC - Tiger CPF-1
Air	2243-AGP-066	Ligon Oil Co., Inc. - Malvern Bulk Plant	5/26/20	General Permit for Gasoline Bulk Plant - Renewal - Ligon Oil Co., Inc. - Malvern Bulk Plant
Air	0268-AOP-R10	Viskase Companies, Inc.	5/26/20	Title V/Major Source Permit - Renewal of Existing Permit - Viskase Companies, Inc. - Title V Renewal
Air	1927-AGP-029	RHM Gin & Warehouse, LLC	5/26/20	General Permit for Minor Source Cotton Gin Plant - Renewal - RHM Gin & Warehouse, LLC
Air	1927-AGP-035	Kiech-Shauver Miller Gin	5/26/20	General Permit for Minor Source Cotton Gin Plant - Renewal - Kiech-Shauver - Miller Gin

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Air	2243-AGP-098	Lonoke County CO-OP, Inc.	5/25/20	General Permit for Gasoline Bulk Plant - Renewal - Lonoke County CO-OP, Inc.
Air	1927-AGP-063	Wincott Gin Company	5/25/20	General Permit for Minor Source Cotton Gin Plant - New - Wincott Gin Co.
Air	1927-AGP-064	Portland Gin & Warehouse Co.	5/25/20	General Permit for Minor Source Cotton Gin Plant - New - Portland Gin & Warehouse Inc.
Air	1927-AGP-065	Adams Land Company	5/25/20	General Permit for Minor Source Cotton Gin Plant - New - Adams Land Company
Air	1927-AGP-046	Farmers First Gin Company	5/25/20	General Permit for Minor Source Cotton Gin Plant - Renewal - Farmers First Gin Company
Air	2243-AGP-068	Ligon Oil Co., Inc. Mount Ida Bulk Plant	5/25/20	General Permit for Gasoline Bulk Plant - Renewal - Ligon Oil Co., Inc. Mount Ida Bulk Plant
Air	2243-AGP-067	Ligon Oil Co., Inc.	5/25/20	General Permit for Gasoline Bulk Plant - Renewal - Ligon Oil Company - Mena Bulk Plant
Air	1927-AGP-027	Lindsey Brothers Equipment Company, Inc. - Caldwell	5/25/20	General Permit for Minor Source Cotton Gin Plant - Renewal - Lindsey Brothers Equipment Company, Inc. - Caldwell
Air	1927-AGP-026	Lindsey Brothers Equipment Co. - Widener	5/25/20	General Permit for Minor Source Cotton Gin Plant - Renewal - Lindsey Brothers Equipment Co. - Widener
Air	2243-AGP-099	Ligon Oil Co., Inc.- De Queen Bulk Plant	5/25/20	General Permit for Gasoline Bulk Plant - Renewal - Ligon Oil Co., Inc.- De Queen Bulk Plant
Air	1868-AGP-155	Merit Energy Company, LLC - Hilltop Compressor Station	5/25/20	General Permit for Natural Gas Compressor Station - Modified - Merit Energy Company, LLC - Hilltop Compressor Station
Air	2243-AGP-070	B-B-L Oil Company, LLC	5/25/20	General Permit for Gasoline Bulk Plant - Renewal - B-B-L Oil Company, LLC
Air	1927-AGP-009	The Childress Gin and Elevator Company	5/25/20	General Permit for Minor Source Cotton Gin Plant - Renewal - The Childress Gin and Elevator Company



<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Air	1927-AGP-039	Black Oak Gin Company	5/25/20	General Permit for Minor Source Cotton Gin Plant - Renewal - Black Oak Gin Company
Air	0370-AR-7	Central Moloney, Inc.	5/19/20	Minor Source Permit - Administrative Amendment - Central Moloney, Inc. - add two (2) new pieces of process equipment to the list of insignificant activities for the Transformer Plant.
Air	2416-A	Tyson Chicken Inc.—Southwest Arkansas Regional Feed Mill	5/19/20	Minor Source Permit - Initial (New) Permit - Tyson Chicken, Inc.—Southwest Arkansas Regional Feed Mill - New Facility
Air	2243-AGP-064	Ligon Oil Co., Inc. - Hot Springs Bulk Plant	5/19/20	General Permit for Gasoline Bulk Plant - Renewal - Ligon Oil Co., Inc. - Hot Springs Bulk Plant
Air	1868-AGP-083	Enable Midstream Partners, LP - Franklin Compressor Station	5/19/20	General Permit for Natural Gas Compressor Station - Modified - Enable Midstream Partners, LP - Franklin Compressor Station
Air	1745-AR-5	Simmons Pet Food, Inc.	5/19/20	Minor Source Permit - Administrative Amendment - Simmons Pert Food, Inc. - To add an hot oil heater
Air	1903-AOP-R11	Associated Electric Cooperative, Inc.—Dell Power Plant	5/19/20	Title V/Major Source Permit - Renewal of Existing Permit - Associated Electric Cooperative, Inc.—Dell Power Plant - Title V Renewal
Air	2243-AGP-065	Ligon Oil Co., Inc. - Norman Bulk Plant	5/19/20	General Permit for Gasoline Bulk Plant - Renewal - Ligon Oil Co., Inc. - Norman Bulk Plant
Air	1342-AOP-R6	Texas Eastern Transmission, LP—Hope Compressor Station	5/19/20	Title V/Major Source Permit - Renewal of Existing Permit - Texas Eastern Transmission, LP - Hope Compressor Station - Title V Renewal
Air	2398-AR-2	La Petite Roche Technologies, LLC	5/19/20	Minor Source Permit - De Minimis - La Petite Roche Technologies, LLC - Move CPC reactor from the Plant Scrubber (SN-01) to atmosphere (SN-04). Move SN-02 to IA list and remove the Sulfuric Acid Tank from the IA list
Air	0868-AOP-R17	Lion Oil Company	5/19/20	Title V/Major Source Permit - Minor Modification - Lion Oil Company - To use a rental boiler

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Air	0715-AOP-R7	Natural Gas Pipeline Company of America LLC—Station 307	5/19/20	Title V/Major Source Permit - Renewal of Existing Permit - Natural Gas Pipeline Company of America LLC - Station 307 - Title V Renewal
Air	0592-AOP-R13	PotlatchDeltic Manufacturing L.L.C— Ola Mill	5/19/20	Title V/Major Source Permit - Minor Modification - PotlatchDeltic Manufacturing L.L.C— Ola Mill - Add Wood Residue Processing equipment (proposed SN-23) to the permitted emission sources at the facility
Air	1916-AGP-044	Razorback Concrete Company d/b/a Razor Rock Materials	5/19/20	General Permit for Rock Crusher Plant - Modified - Razorback Concrete Company d/b/a Razor Rock Material
Air	1868-AGP-256	DeSoto Gathering Company, LLC - Midge CPF-5	5/18/20	General Permit for Natural Gas Compressor Station - Modified - DeSoto Gathering Company, LLC - Midge CPF-5
Air	2411-A	Interstate Group LLC	5/13/20	Minor Source Permit - Initial (New) Permit - Interstate Group LLC - New facility
Air	1868-AGP-081	Enable Midstream Partners, LP (Bonanza Compressor Station)	5/13/20	General Permit for Natural Gas Compressor Station - Modified - Enable Midstream Partners, LP - Bonanza Compressor Station
Air	1868-AGP-227	DeSoto Gathering Company, LLC. - Midge CPF-2	5/13/20	General Permit for Natural Gas Compressor Station - Modified - DeSoto Gathering Company, LLC. - Midge CPF-2
Air	1271-AOP-R7	Ozark Gas Transmission, LLC—Noark Compressor Station	5/11/20	Title V/Major Source Permit - Renewal of Existing Permit - Ozark Gas Transmission, LLC - Noark Compressor Station - Title V Renewal
Air	0023-AOP-R14	Weyerhaeuser NR Company—Dierks Mill	5/11/20	Title V/Major Source Permit - Administrative Amendment - Weyerhaeuser NR Company - Dierks Mill - to remove old equipment and conditions from the permit covered under Scenario #1 after all new equipment has completed a reasonable shakedown period.
Air	2414-AGP-001	Lee Wilson & Company LLC	5/11/20	General Permit for Title V Cotton Gin Plant - New - Lee Wilson & Company LLC

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Air	1555-AR-11	Stella-Jones Corporation	5/11/20	Minor Source Permit - Administrative Amendment - Stella-Jones Corporation - to remove and replace the existing wood chipper with similar size and model.
Air	2233-AR-3	The Chemours Company, FC, LLC— El Dorado Plant	5/11/20	Minor Source Permit - De Minimis - The Chemours Company, FC, LLC— El Dorado Plant - To remove obsolete products
Air	1319-AR-6	Eaton Hydraulics LLC	5/11/20	Minor Source Permit - Administrative Amendment - Eaton Hydraulics LLC - to add the proposed washer system to our facility's list of insignificant activities.
Air	1927-AGP-043	Wilson-Pugh, Inc.	5/7/20	General Permit for Minor Source Cotton Gin Plant - Renewal - Wilson-Pugh, Inc.
Air	2387-AR-1	Golden Ridge Rice Mills, LLC	5/7/20	Minor Source Permit - Administrative Amendment - Golden Ridge Rice Mills, LLC
Air	1822-AOP-R6	Pine Bluff Energy LLC—Pine Bluff Energy Center	5/7/20	Title V/Major Source Permit - Renewal of Existing Permit - Pine Bluff Energy LLC - Pine Bluff Energy Center - Title V Renewal
Air	1927-AGP-003	McGehee Producers Gin, Inc.	5/7/20	General Permit for Minor Source Cotton Gin Plant - Renewal - McGehee Producers Gin, Inc.
Air	1868-AGP-286	DeSoto Gathering Company LLC. - Northwest Charley CPF-2	5/7/20	General Permit for Natural Gas Compressor Station - Modified - DeSoto Gathering Company LLC. - Northwest Charley CPF-2
Air	2369-AR-1	Mid-Continent Coal & Coke Company	5/7/20	Minor Source Permit - De Minimis - Mid-Continent Coal & Coke Company - Install a Vibrating Fluid Bed Cooling System, to be identified as SN-08
Air	0778-AR-24	L'Oreal USA Products, Inc.	5/7/20	Minor Source Permit - De Minimis - L'Oreal USA Products, Inc. - To vent a production line, Line #117 through SN-44.
Air	1868-AGP-439	DeSoto Gathering Company, LLC - Cove Creek CPF-4	5/7/20	General Permit for Natural Gas Compressor Station - Modified - DeSoto Gathering Company - Cove Creek CPF-4

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Air	0506-AR-4	Harvest Rice (Otwell), Inc.	5/7/20	Minor Source Permit - Initial (New) Permit - Harvest Rice (Otwell), Inc. - facility had voided the permit years earlier. Request to reinstate.
Air	0762-AOP-R28	Albemarle Corporation—South Plant	5/6/20	Title V/Major Source Permit - Minor Modification - Albemarle Corporation—South Plant - To replace SN-16-20 Heat Exchange Heater in the NC-17 unit
Air	1868-AGP-109	DeSoto Gathering Company, LLC - Griffin Mountain CPF-2	5/4/20	General Permit for Natural Gas Compressor Station - Modified - DeSoto Gathering Company, LLC - Griffin Mountain CPF-2
Water	3778-WR-9	Pet Solutions Holdings, LLC	5/27/20	Renewal of no-discharge permit in Yell County
Water	4417-WR-4	Bill Davis Trucking, Inc.	5/28/20	Renewal of no-discharge individual permit in Independence County
Water	4422-WR-5	Gerdau MacSteel, Inc.	5/28/20	Renewal of no-discharge permit in Sebastian County
Water	4851-WR-3	Dog Party, Inc.	5/27/20	Renewal of no-discharge permit in Washington County
Water	5065-WR-3	Breeze Hill Kennels, LLC	5/28/20	Renewal of no-discharge permit in Baxter County
Water	5175-WR-1	Great Lakes Chemical Corporation	5/12/20	Minor modification of no-discharge permit in Union County
Water	5242-WR-1	Krystine Weum	5/28/20	Renewal of no-discharge permit in Washington County
Water	5350-W	Denali Water Solutions LLC	5/26/20	Issuance of new no-discharge permit in Jackson County
Water	5358-W	HydroAg Environmental, LLC	5/22/20	Issuance of new no-discharge permit in Franklin County
Water	AR0021440C	City of Smackover	5/18/20	New State construction permit in Union County
Water	AR0034380C	City of Stuttgart - Wastewater Treatment Facility	5/27/20	New individual construction permit in Arkansas County
Water	AR0044725	City of Altus	5/29/20	Renewal of NPDES discharge permit in Franklin County
Water	AR0050121	PJ's Country Store	5/28/20	Renewal of NPDES discharge permit in Crittenden County
Water	AR0050148	Hot Springs Southwest W W	5/28/20	Renewal of NPDES discharge permit in Garland County

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Water	AR0052051	Flywheel Energy Production, LLC - Judsonia, AR Yard	5/6/20	Modification of NPDES discharge permit in White County
Water	ARG550494	Howard Bradley	5/19/20	Renewal of individual treatment system general permit in Mississippi County
Water	ARG550506	Osceola Dock Terminal	5/19/20	Modification and renewal of individual treatment system general permit in Mississippi County
Water	ARG550529	Stephen Haney	5/28/20	Renewal of individual treatment system permit in Hot Springs County
Water	ARG640183	Omaha Center	5/8/20	New Wastewater from Water Treatment Facility General Permit in Fulton County
Water	ARG670915	Magellan Pipeline Company, LP	5/27/20	New hydrostatic testing general permit in Pope County
Water	ARR000038	Eaton Mountain Quarry	5/27/20	Reissuance of expired Industrial Stormwater General Permit in Garland County
Water	ARR000050	Butterball, LLC-Alix Feed Mill	5/11/20	Renewal of coverage for industrial stormwater general permit in Franklin County
Water	ARR000088	Rainbow Road Site	5/12/20	Renewal of industrial stormwater general permit coverage in Benton County
Water	ARR000094	Bonds Excavating Enterprises, Inc.-Noah Site	5/12/20	Renewal of industrial stormwater general permit coverage in Benton County
Water	ARR000138	Hutchens Construction - Springdale	5/28/20	Renewal of industrial stormwater general permit in Benton County
Water	ARR000340	Steed Properties LLC	5/8/20	New issuance of expired industrial stormwater permit coverage in Hempstead County
Water	ARR000360	Hutchens Construction - Sonora Asphalt Plant	5/28/20	Renewal for industrial stormwater general permit in Washington County
Water	ARR000408	R&R Recycling, LLC	5/18/20	Renewal for industrial stormwater general permit in Miller County
Water	ARR000482	Oldcastle Lawn & Garden, Inc. - Plant #2	5/27/20	New application of coverage under industrial stormwater general permit in Hempstead County
Water	ARR000644	Center Point Terminal Company, LLC	5/8/20	Renewal for industrial stormwater general permit in Pulaski County

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Water	ARR000645	Center Point Terminal Company, LLC	5/11/20	Renewal for industrial stormwater general permit in Jefferson County
Water	ARR000821	Hutchens Construction - Gravette Asphalt Plant	5/28/20	Renewal of industrial stormwater general permit in Benton County
Water	ARR001019	Hendry Oil Royal Bulk Plant	5/27/20	New industrial stormwater general permit in Garland County
Water	ARR001023	Lake Catherine Plant	5/11/20	Recertification of coverage under IGP in Hot Spring County
Water	ARR001167	Bradley County Transfer Station	5/26/20	Renewal for industrial stormwater general permit in Bradley County
Water	ARR001292	Farmers Supply Association	5/14/20	Renewal of industrial stormwater general permit in Cross County
Water	ARR001376	Great Lake Chemical Corporation-South Plant	5/28/20	Renewal of industrial stormwater general permit in Union County
Water	ARR001522	Hutchens Construction - Berryville	5/27/20	Renewal of industrial stormwater general permit in Carroll County
Water	ARR001528	Shirley Crain, LLC	5/28/20	Transfer of industrial stormwater general permit in Sebastian County
Water	ARR001690	Riceland Foods, Inc. - Ring Warehouse	5/14/20	Renewal and transfer of industrial stormwater general permit in Arkansas County
Water	ARR001695	Cross Hollow Quarry	5/20/20	Modification of industrial stormwater general permit in Benton County
Water	ARR001711	Stanley Mine on Fisher Mountain	5/21/20	Renewal of industrial stormwater general permit in Montgomery County
Water	ARR001722	River Ridge Ranch	5/14/20	Renewal of industrial stormwater general permit in Miller County
Water	ARR001810	L&N Quarry, Inc./Holstead #2	5/5/20	Issuance of industrial stormwater permit coverage in Searcy County
Water	ARR001829	Little Osage Mine	5/26/20	New application for industrial stormwater general permit in Benton County
Water	ARR001841	Timber Rock Quarry LLC	5/27/20	Issuance of industrial stormwater permit coverage in Izard County
Water	ARR001868	Sig Sauer Inc.	5/27/20	New industrial stormwater general permit in Pulaski County
Water	ARR001873	White Gold Mills, LLC	5/27/20	New industrial stormwater general permit in Mississippi County
Water	ARR00A220	El Dorado Paper Bag Manufacturing Co., Inc.	5/14/20	Renewal of industrial stormwater general permit in Union County

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Water	ARR00B420	KAG Speciality Products Group, LLC	5/28/20	Renewal and transfer of industrial stormwater general permit in Columbia County
Water	ARR00B591	Blytheville-Gosnell Regional Airport Authority	5/8/20	Renewal of industrial stormwater general permit in Mississippi County
Water	ARR00B800	The Cooper Tire Company	5/8/20	Renewal of industrial stormwater
Water	ARR00B817	Warren Oil Company, LLC	5/8/20	Renewal of industrial stormwater general permit in Crittenden County
Water	ARR00B994	POM Inc.	5/27/20	Renewal of industrial stormwater general permit in Pope County
Water	ARR00C240	Cargill Meat Solutions Corporation-Springdale Feed Mill	5/8/20	Renewal of industrial stormwater general permit in Washington County
Water	ARR040003	Saline County	5/18/20	Renewal of coverage under the MS4 general permit in Saline County
Water	ARR040017	City of Farmington	5/27/20	Renewal of coverage under the MS4 general permit in Washington County
Water	ARR155732	Watson & Watson Construction, Inc.	5/12/20	Modification of construction stormwater permit in Faulkner County
Water	ARR155741	Sherwood Development, LLC	5/8/20	Modification to increase acreage for construction stormwater permit in Pulaski County
Water	ARR156249	Southern Hills Real Estate, LLC	5/26/20	Permit transfer for construction stormwater permit in Craighead County
Water	ARR156288	Black Hills Energy Arkansas, Inc.	5/8/20	Modification to increase acreage for construction stormwater permit in Logan County
Water	ARR156433	Specialized Real Estate Group, Inc.	5/19/20	Modification to increase acreage for construction stormwater in Washington County
Water	ARR156525	CrossMar Investments, LLC	5/13/20	Modification to increase acreage for construction stormwater permit in Benton County
Water	ARR156580	Billy Bob Webb	5/27/20	Issuance of new construction stormwater coverage in Benton County
Water	ARR156601	ARDOT	5/8/20	Issuance of new construction stormwater coverage in Calhoun County

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Water	ARR156603	Riverwood Homes, LLC	5/8/20	Issuance of new construction stormwater coverage in Washington County
Water	ARR156612	Mercy Rehabilitation Hospital, LLC	5/5/20	Issuance of new construction stormwater coverage in Sebastian County
Water	ARR156613	Hampton Holdings, LLC	5/8/20	Issuance of new construction stormwater coverage in Washington County
Water	ARR156614	KMK Equity, LLC	5/5/20	Issuance of new construction stormwater coverage in Benton County
Water	ARR156615	Baker Built Development LLC	5/8/20	Issuance of new construction stormwater coverage in Garland County
Water	ARR156616	GarNat Properties LLC	5/5/20	Issuance of new construction stormwater coverage in Saline County
Water	ARR156619	Colette Ventures LLC	5/8/20	Issuance of new construction stormwater coverage in Washington County
Water	ARR156621	Entergy Arkansas, LLC	5/5/20	Issuance of new construction stormwater coverage in Garland County
Water	ARR156623	City of Clarksville	5/5/20	Issuance of new construction stormwater coverage in Johnson County
Water	ARR156624	Entergy Arkansas, LLC	5/8/20	Issuance of new construction stormwater coverage in St. Francis County
Water	ARR156625	ARDOT	5/13/20	Issuance of new construction stormwater coverage in Independence County
Water	ARR156626	ARDOT	5/8/20	Issuance of new construction stormwater coverage in Calhoun County
Water	ARR156627	ARDOT	5/12/20	Issuance of new construction stormwater coverage in Johnson County
Water	ARR156628	ARDOT	5/13/20	Issuance of new construction stormwater coverage in Baxter County
Water	ARR156631	Brandon Jerry	5/5/20	Issuance of new construction stormwater coverage in Union County



<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
Water	ARR156632	JBD Inc.	5/8/20	Issuance of new construction stormwater coverage in Pulaski County
Water	ARR156634	City of Rogers	5/27/20	Issuance of new construction stormwater coverage in Benton County
Water	ARR156635	Cameron General Contractors, Inc.	5/19/20	Issuance of new construction stormwater coverage in Benton County
Water	ARR156636	The Reserve at Springdale Apartments, LLC	5/13/20	Issuance of new construction stormwater coverage in Sebastian County
Water	ARR156637	Rogers Warehouse Development IV, L.L.C.	5/5/20	Issuance of new construction stormwater coverage in Benton County
Water	ARR156638	Visit Hot Springs	5/12/20	Issuance of new construction stormwater coverage in Garland County
Water	ARR156639	City of Fayetteville	5/18/20	Issuance of new construction stormwater coverage in Washington County
Water	ARR156644	Tri County Regional Water Distribution District	5/19/20	Issuance of new construction stormwater coverage in Scott, Yell County
Water	ARR156645	Precision Site Work, LLC	5/28/20	Issuance of new construction stormwater coverage in Benton County
Water	ARR156646	Moses Plumbing, LLC	5/26/20	Issuance of new construction stormwater coverage in Crawford County
Water	ARR156648	Shane Walston	5/28/20	Issuance of new construction stormwater coverage in Howard County
Water	ARR156649	Sardis Water Association Public Water Authority of the State of Arkansas	5/26/20	Issuance of new construction stormwater coverage in Grant County
OLR/HW	30H-RN1	Elemental Environmental Solutions	5/14/2020	Class 1 permit modification: change in ownership
OLR/HW	30H-RN1	Elemental Environmental Solutions	5/27/2020	Class 1 permit modification: truck dock and trench system
OLR/SW	0265-S4-R2	Upper Southwest Arkansas RSWMD Class 1 Landfill	5/5/2020	Alternative liner design

<b>Permit Type</b>	<b>Permit Number</b>	<b>Permittee</b>	<b>Permit Issuance Date</b>	<b>Description of Permitting Action</b>
OLR/SW	0074-STSW-A	Yell County Dardanelle Transfer Station	5/12/2020	General permit coverage
OLR/SW	0314-S4-R1	CARDS Class 4 Landfill	5/13/2020	Layout design change